

documents responsive to all but six of Parus Holdings' 35 document requests. As to five of these requests, WorldCom produced responsive documents in its earlier productions or the requests related to WorldCom's legal theories based on the language of the UC Contract. Id. at 8-9. As to the remaining request, WorldCom has not located any documents regarding communications between WorldCom and Intermedia regarding the General Agreement between Intermedia and Parus Holdings' predecessor, EffectNet.

Just because Parus Holdings can think up categories of documents that were not located in WorldCom's review of hundreds of document boxes does not mean either that the documents must exist or that WorldCom has failed to perform its discovery obligations. WorldCom's counsel has reviewed over 450 boxes of documents (which Parus Holdings was offered the opportunity to help select, but didn't) and has interviewed over 20 current or former WorldCom and/or Intermedia employees (in addition to WorldCom's in-house counsel) for the purpose of locating documents that might be responsive to Parus Holdings' claims and document requests. WorldCom has an obligation to make reasonable inquiry to locate and produce responsive documents and it has more than done so.

E. WorldCom's Production of Electronic Documents.

Parus Holdings continues to argue that WorldCom has failed to produce any electronic documents even though it knows this is untrue. Response at 28-29. As already noted and supported by the sworn declaration of Mr. Ramsay, WorldCom's counsel obtained and produced electronically stored documents from WorldCom employees that related to (1) Master Licensing Agreement between Webley and WorldCom, (2) WorldCom's financial analysis of Webley, (3) the integration of Intermedia and WorldCom, and (4) the significant reduction in force that occurred after the WorldCom/Intermedia merger. See WorldCom's Supplemental Opp. to Motion to Compel at 8 (Docket No. 17471).

Similarly, Parus Holdings' assertion that, on November 11, 2005, WorldCom "informed Parus that it had only just recently engaged an outside vendor to complete a cost estimate" for electronic discovery shades, or omits, the actual facts. See Response at 29. As Parus Holdings knows from exhibits attached to its own motion to compel, WorldCom's counsel advised Parus Holdings as early as June 20, 2005, that it had contacted third party vendors to provide cost estimates for searching electronic data. June 30, 2005, email from Larry Bigus to Steve Wood, Ex. II to Parus Holdings' Motion to Compel (Docket No. 16423). At that time, the cost estimate based on the search of 250 backup tapes for information sought in Parus Holdings' discovery requests was \$900,000. Id. WorldCom requested that, pursuant to controlling authority, Parus Holdings share in the cost associated with electronic discovery. Id.

Parus Holdings' motion to compel, filed on July 13, 2005, specifically excluded electronic discovery because the parties had not yet conferred regarding issues related to its production:

Clearly, the factual record does not currently exist to even began [sic] the type of [cost-shifting] analysis that the Zubulake Court sets forth. Therefore, Parus' present Motion to Compel does not address the production of electronic documents. Parus will confer with Debtors regarding the electronic document production and make a good faith effort to resolve any disputes without the intervention of this Court.

Parus Holdings' Motion to Compel ¶ 72 at p. 32 (Docket No. 16423). Parus Holdings' counsel made this same representation to the Court during the August 9, 2005, hearing on the motion to compel:

MR. WOOD: . . .In our motion to compel, Your Honor, we didn't address the issue of electronic documents. Frankly, I don't think there is sufficient factual record before the Court to deal with the issue of production or cost shifting with regard to the Debtors' electronic documents. We indicated in our motion and in the brief reply, which we filed yesterday, that we would like to work with Debtors' counsel to see if there was some resolution that we can word out with regard to the production of their electronic documents.

August 9, 2005, Hearing Transcript at 15 (Ex. 1).

It was not until October 24, 2005, more than two months after the August 9 hearing, that Parus Holdings responded to WorldCom's request for search terms to utilize in the review of WorldCom's electronic media. In response, on November 11, 2005, Parus Holdings was advised of the search vendor's estimate of costs associated with the electronic search Parus Holdings had requested. As stated in that communication:

Following receipt of Mr. Smith's letter of October 24, 2005, we requested that Kroll Ontrack provide us with a cost estimate for searching the electronic media of MCI and Intermedia (quarterly back-up tapes) utilizing the names, search terms and time-frame specified in Mr. Smith's letter. We have now received that estimate which ranges from \$207,633.99 to \$331,160.12, depending on assumed amounts of retained MCI data.

These estimated costs from a search vendor, of course, do not include the necessary additional costs that will be incurred for qualified personnel to review electronically identified documents regarding their actual responsiveness or privileged nature before production. All told, costs associated with the proposed electronic discovery will be considerably higher than the cash distribution value of Parus Holdings' breach of contract claim--\$191,544--if MCI's summary judgment is granted and Parus' claim is treated as a Class 12 Intermedia claim.

November 11, 2005 letter from Robert Driscoll to James Callagy, Robert Friedman and Kevin Smith (Ex. 6).²

In sum, Parus Holding's increasingly barbed complaints about WorldCom's discovery efforts stray greatly from the facts, add nothing to the substantive legal issues before the Court and ought to be disregarded.

² Because of the cost associated with this discovery and its immateriality to WorldCom's pending motion for summary judgment, WorldCom requested that Parus Holdings consent to a stay of discovery until the Court rules on the motion for summary judgment. *Id.* Parus Holdings declined to do so, and WorldCom has requested an informal conference with the Court to discuss its request for a stay of discovery. November 17, 2005 letter to the Honorable Arthur J. Gonzalez from Robert Driscoll (Docket No. 17580).

ADDENDUM
EXHIBIT 1

1
2
3 UNITED STATES BANKRUPTCY COURT
4 SOUTHERN DISTRICT OF NEW YORK

-----x

In re

5 Case No.
6 WORLDCOM, INC., et al, 02-13533

Reorganized Debtors.

-----x

8 August 9, 2005
10:40 a.m.

9 United States Custom House
10 One Bowling Green
New York, New York 10004

11 E X C E R P T

12 (Parus Holdings, Inc.)

13 10:30 Motion by Parus Holdings, Inc. to
14 compel production of documents and to extend
15 discovery deadlines.
Response filed.

16
17
18 B E F O R E:

19 THE HONORABLE ARTHUR J. GONZALEZ
United States Bankruptcy Judge
20
21
22
23
24
25

1 Proceedings

2 filed in response to our opposition to this
3 motion to compel.

4 In our motion to compel, Your
5 Honor, we didn't address the issue of
6 electronic documents. Frankly, I don't think
7 there is a sufficient factual record before
8 the Court to deal with the issue of
9 production or cost shifting with regard to
10 the Debtors' electronic documents. We
11 indicated in our motion and in the brief
12 reply, which we filed yesterday, that we
13 would like to work with the Debtors' counsel
14 to see if there was some resolution that we
15 can work out with regard to the production of
16 their electronic documents. I don't think
17 that that is an issue that is completely ripe
18 for consideration by this Court today.

19 The relief that we are seeking,
20 Your Honor, is an order directing the parties
21 to produce their responsive documents. It is
22 applicable to both parties by both sides by a
23 date certain. I am willing to listen to the
24 proposal of the Debtors' counsel concerning
25 the date. We would also like both parties to

1 Proceedings

2 review of the indexes they were too general
3 and that nonresponsive documents were
4 involved and were meaningless.

5 Next WorldCom offered to review all
6 of the documents itself and to screen those
7 for privilege. It also offered to either
8 provide to Parus Holdings all of the
9 remaining documents after a privilege screen
10 or, if Parus Holdings chose, to provide all
11 documents that we believed were responsive to
12 the document request after that review. In
13 connection with that offer, there was a
14 request for a split of the logistical costs,
15 not the cost of reviewing the documents. All
16 of that is reflected on Exhibit K to the
17 Debtors' response in opposition. Again, this
18 proposal was rejected by Parus Holdings and
19 that is reflected in Exhibit L.

20 Finally, as our response starting
21 at page 9, I indicated this along with
22 Mr. Ramsay's declaration Exhibit E, WorldCom
23 is in the process of doing now what Parus
24 Holdings initially refused to do, and that
25 is, based on a review of the very same

1 Proceedings

2 document indexes to first rule out those
3 obviously nonresponsive boxes of documents
4 based on the index and then to pull others
5 within the time frame overlapping and before
6 and after the contractual relationships
7 between Intermedia and WorldCom and then to
8 review those. As you have been advised, the
9 number of those document boxes that we have
10 identified is 387. They are currently
11 located in Kansas City, having been shipped
12 to three different repositories, and we have
13 a team of legal personnel looking through
14 them.

15 Counsel is correct, I do believe,
16 that that constitutes a good faith effort to
17 be in compliance with the requirements of
18 Rule 34. I also believe that none of the
19 authorities cited by Parus Holdings are to
20 the contrary. All except one, the Hagemeyer
21 case from the Eastern District of Wisconsin
22 involved producing parties which were ongoing
23 concerns -- General Motors, Sears, and the
24 like. All they wanted in the Hagemeyer case
25 involved an entity that was factually similar

1 Proceedings

2 time frame?

3 MR. DRISCOLL: Your Honor, it would
4 not fit in at all. In that regard, we would
5 have no problem at all extending that
6 discovery time frame.

7 JUDGE GONZALEZ: Then the documents
8 would be made available in Kansas following
9 your review?

10 MR. DRISCOLL: They would be made
11 available, as the parties agreed under
12 whatever terms the parties think are
13 appropriate. Certainly, here in Kansas City
14 would be one such place. If that is not
15 agreeable, then whatever is.

16 JUDGE GONZALEZ: Parus Holdings,
17 what is your objection to that proposal,
18 other than you may think it took too long to
19 get there?

20 MR. WOOD: I don't have any
21 objection, Your Honor, to concurring with
22 counsel regarding the appropriate location
23 for producing these documents to us. It may
24 be, in fact, depending on the circumstances,
25 more cost effective for us to send some

1 Proceedings

2 people to Kansas City. I just don't know at
3 this point, but I am happy to discuss that
4 with counsel. As far as their agreeing to
5 review and produce 387 boxes of documents and
6 reviewing them for responsiveness or
7 producing responsive documents to us at their
8 cost, I have no objection to that whatsoever.

9 I was going to make a suggestion,
10 Your Honor. I think it might make sense at
11 this point and I don't want Debtors' counsel
12 to review all 10,000 boxes of documents. If
13 there are documents in there or boxes of
14 documents that are clearly outside the
15 relevant time frame or clearly unrelated to
16 the issues in this case, I don't want to
17 waste time looking at all 10,000 boxes of
18 documents. I do want them to produce
19 documents that are responsive to our
20 requests. We can take a look at the 387
21 boxes of documents and see where we stand
22 after we have had an opportunity to review
23 them. It may be appropriate, Your Honor, at
24 that point for us to have a informal
25 conference with the Court and advise the

1 Proceedings

2 JUDGE GONZALEZ: Based on the
3 Debtors' representation, I don't think Parus
4 is going to see these documents for six or
5 eight weeks, but I guess you would be able to
6 see the list of the 300 or so boxes and match
7 that up against the original list you have?

8 MR. WOOD: Yes. I would imagine
9 that that probably could be provided
10 forthwith.

11 JUDGE GONZALEZ: Do both sides
12 think that August 30th is too soon to react
13 to the proposal that is before me now?

14 MR. WOOD: Do you mean that is the
15 date by which they should be prepared?

16 JUDGE GONZALEZ: No. I mean at
17 that point, I think if you were able to
18 review the list of the 10,000 boxes or review
19 the list of the 300 boxes, you may get a
20 sense at that point as to whether or not you
21 are going to need any further discovery on
22 the whole issue as to whether it was
23 reasonable to pare them down from 10,000 to
24 the 300.

25 MR. WOOD: I think we can do that

ADDENDUM
EXHIBIT 2

OCT 24 2005 4:21 PM FR KDW LLP

212 808 7897 TO *201574900589181 P.02

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

101 PARK AVENUE

NEW YORK, NEW YORK 10178

(212) 808-7800

WASHINGTON, DC
TYSONS CORNER, VA
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October 24, 2005

VIA FACSIMILE ((816) 691-3495)

Robert L. Driscoll, Esq.
Stinson Morrison Hecker LLP
1201 Walnut Street, Suite 2800
Kansas City, Missouri 64106

Re: In re WorldCom, Inc., Chapter 11 Case No. 02-13533
Parus Holdings' Claims; Discovery Issues

Dear Mr. Driscoll:

As discussed on Friday, October 21, 2005, at the settlement conference, and in a further attempt to resolve our outstanding discovery issues, we write to provide you with specific categories of documents previously requested, but not yet produced in this litigation. In addition, we provide you with names of individuals whose electronic databases and e-mail boxes should be searched as well as search terms for searches in Debtors' electronic databases and e-mail boxes. The items identified below are an attempt to narrow certain categories of documents pursuant to your request. We reserve all rights with respect to Parus Holdings' document requests.

First, please refer to our October 11, 2005 letter to Judge Gonzalez and copied to you. In addition, the following highlight certain outstanding production categories for electronic and hard-copy documents, which should be produced:

- Documents concerning the Unified Communications Services General Agreement ("General Agreement") itself, including the pricing of services, negotiation, drafting or communications among Intermedia employees and/or between Intermedia and WorldCom/MCI, regarding the General Agreement. (Document Request No. 11.)
- Documents reflecting Intermedia's payments to Claimant for any services provided by Claimant under the General Agreement or any documents concerning communications regarding payments to Claimant. (Document Request No. 17.)

OCT 24 2005 4:21 PM FR KDW LLP

212 808 7897 TO *201574900589181 P.03

KELLEY DRYE & WARREN LLP

Robert L. Driscoll, Esq.
October 24, 2005
Page Two

- Documents concerning the cessation or termination of Intermedia's operations as it related to Claimant.¹ (Document Request Nos. 14, 15, and 19.)
- Documents concerning Claimant from the files of related WorldCom entities including, but not limited to, WorldCom Ventures. (Document Request Nos. 20 and 21.)
- Documents concerning Debtors' evaluation or analysis of Claimant's finances, business, technology or products. (Document Request Nos. 20 and 21.)
- Documents related to the WorldCom/MCI genD initiative, a competitor to EffectNet's Unified Communications product. (Doc. Req. No. 35.)
- Documents from key individual employee's work files, including but not limited to, James Renforth, James Faust, Kathy Victory, Brett Bacon, Barry Zipp, Richard Black and Cheryl Mellon, regarding the General Agreement and the Master Agreement for Software Licenses, dated September 14, 2001 ("MASL"), and the drafting, negotiation, pricing and performance of same. (Document Request Nos. 11 and 22.)

MCI Documents. Please produce forthwith the MCI Documents identified in Debtors' Supplemental Responses to Claimant's First Request for Production of Documents, dated July 1, 2005. Our understanding is that we have received thus far only Intermedia documents.

WorldCom Entities Other than MCI WorldCom Communications, Inc. and Intermedia Communications, Inc. In Debtors' Responses to Claimant's First Request for Production of Documents, dated March 25, 2005, Debtors objected to including in the definition of Debtors any entity other than Intermedia Communications, Inc. or MCI WorldCom Communications, Inc. Please confirm that Debtors no longer maintain that objection and Debtors will produce documents from all WorldCom entities which have documents responsive and relevant to both the contract and tort claims or documents reasonably calculated to lead to the discovery of admissible evidence.

We also have a concern regarding the Debtors' production of only 11 boxes of purportedly responsive documents from a total of 10,000 boxes held in various depositories in the United States which contained potentially responsive paper documents of Intermedia

¹ Debtors have produced documents regarding the cessation or termination of Intermedia operations concerning only technical integration issues between Intermedia and WorldCom products, as well as a reduction in headcount of Intermedia employees.

OCT 24 2005 4:22 PM FR KDW LLP

212 808 7897 TO *201574900589181 P.05

KELLEY DRYE & WARREN LLP

**In re: WorldCom, Inc.
Claims of Parus Holdings, Inc., Claim Nos. 11242 and 11173**

Names and Search Terms for Searches of MCI/WorldCom electronic media and Intermedia electronic media, for the period September 1, 2000 through April 12, 2002:

The names of individuals whose e-mail boxes and hard-drives should be searched using the terms below:

Maria Ayala
Biaji Bary
Jennifer Carroll
Peter Cassidy
Shirley Elizabeth Denham-Dale
Vicky Galante-Lee
Claro Hernandez
Steve Hooper
Mandy Johnson
Sharon Kasimow
Susan Kennedy
Mary Kilmartin
Carleen Mitchell
Nasser Sheikh
Pamela F. Dunnam
Don Fergus
Dave Wurster
Teresa Hastings
Patrice Carroll
James Meeks-Johnson
Brenda Speer
Cheryl Mellon
James Renforth
James Faust
Kathy Victory
Richard Jeffers
Brett Bacon
Barry Zipp
Richard Black
Sherri Baughman
Alan Hill
Jim Tills
Jack Kerrigan
James DeMerlis
Angela Baker
Scott Concourse
Scott E. Pospichel

OCT 24 2005 4:22 PM FR KDW LLP

212 808 7897 TO *201574900589181 P.06

KELLEY DRYE & WARREN LLP

Databases, search terms and phrases include:

I. Documents on hard drives and the above referenced individuals' e-mail boxes which include the following terms:

EffectNet, or
EN, or
Webley, or
WSI, or
IntermediaOne (including variations such as Intermedia One, IM1, IOne, I One, I-One, etc.), or
Unified Communications, or
UC, or
Unified Communications Services General Agreement (and variations of that Agreement), or
Unified Messaging, or
UM, or
CommuniKate, or
Kate, or
HearMyMail, or
HMM, or
auto attendant, or
text to speech, or
TTS, or
genD, or
voice recognition (use "!" to broaden search), or
speech recognition (use "!" to broaden search), or
speech enabled (use "!" to broaden search), or
voice activated (use "!" to broaden search), or
enhanced communications (use "!" to broaden search), or
Master Agreement for Software Licenses (and variations of that Agreement), or
MASL, or
Webley AND license(s), or
Minimum Commitment.

II. Any e-mail communications to and/or from wcom.com and intermedia.com e-mail boxes which contain the above terms should be produced.

OCT 24 2005 4:22 PM FR KDW LLP

212 808 7897 TO *201574900589181 P.07

KELLEY DRYE & WARREN LLP

III. All _____@wcom.com emails (with attachments) to or from ANY other address that include any of the following words:

EffectNet,
EN,
Webley,
WSI,
IntermediaOne (including variations such as Intermedia One, IM1, IOne, I One, I-One, etc.),

or

CommuniKate,
Kate,
HearMyMail,
HMM,
auto attendant,
text to speech,
TTS.

IV. All intermedia.com emails (with attachments) to or from effectnet.com e-mails.

V. All intermedia.com emails (with attachments) to or from ANY other address that include any of the following words:

genD
WCom (include aka's)

AND

EffectNet
EN
Webley
WSI
IntermediaOne (including variations such as Intermedia One, IM1, IOne, I One, I-One, etc.),
Unified Communications
UC
Unified Communications Services General Agreement (and variations of that Agreement),
Unified Messaging
UM
CommuniKate
Kate
HearMyMail
HMM.

**ADDENDUM
EXHIBIT 3**



STINSON
MORRISON
HECKER LLP

Robert L. Driscoll
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1201 Walnut, Suite 2900
Kansas City, MO 64106-2150

Tel (816) 842-8600
Fax (816) 691-3495

August 12, 2005

VIA FEDERAL EXPRESS

Mr. Steven Wood
Kelley Drye & Warren LLP
333 West Wacker Drive, Suite 2600
Chicago, Illinois 60606

Re: In re Worldcom, Inc. -- Claim of Parus Holdings, Inc.

Dear Steve:

As discussed at the conclusion of the hearing held on Tuesday, August 9, I am enclosing a list of the boxes of Intermedia Communications, Inc. ("Intermedia") documents that have been shipped to Kansas City and currently are being reviewed. Also enclosed are copies of the five indexes, which were previously provided to you by email, with the boxes selected for review highlighted. The highlighted indexes provide the same information as the list. (The index for the boxes in the Mississippi Filings Systems depository is not highlighted because it does not appear that there are any responsive documents in that depository.)

As you will see in reviewing the highlighted indexes, a sampling of boxes was selected for review in a few instances even though the boxes appeared to contain non-responsive documents. For example, there are approximately 12 boxes of documents in the Tampa depository described as "CS & SO Stop Bill Migration." We have selected five of these boxes for review to determine whether the boxes described in that manner may contain responsive documents. If so, we will retrieve the remaining approximately seven boxes with this same description for review.

Also, as you may have gathered from my responses to the Court on August 9 regarding future scheduling, I will be out of the office the next couple of weeks. In my absence, please call my partner, Allison Murdock, if you have any questions regarding the boxes selected for review or if you identify any additional boxes that you believe should be reviewed. Allison's direct dial is (816) 691-3138. Concerning

KANSAS CITY
OVERLAND PARK
WICHITA
WASHINGTON, D.C.
PHOENIX
ST. LOUIS
OMAHA
JEFFERSON CITY

DB02/048629 0094/6769393.1

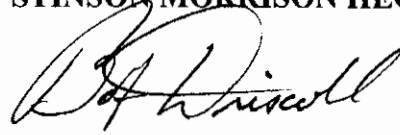
A 02748

Mr. Steven Wood
August 12, 2005
Page 2

the related point of electronically stored documents, Allison will contact you soon to discuss review and production of those documents.

Very truly yours,

STINSON MORRISON HECKER LLP

A handwritten signature in black ink, appearing to read "R. Driscoll", is written over the firm name.

Robert L. Driscoll

Enclosures

cc: Allison M. Murdock

**ADDENDUM
EXHIBIT 4**



STINSON
MORRISON
HECKER LLP

Robert L. Driscoll
(816) 691-3102
bdriscoll@stinsonmoheck.com
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1201 Walnut, Suite 2900
Kansas City, MO 64106-2150

Tel (816) 842-8600
Fax (816) 691-3495

September 1, 2005

Mr. Steven Wood
Kelley Drye & Warren LLP
333 West Wacker Drive, Suite 2600
Chicago, Illinois 60606

Re: In re Worldcom, Inc. -- Claim of Parus Holdings, Inc.

Dear Steve:

I am writing to advise that we now have completed our review of the over 350 boxes of Intermedia Communications, Inc. ("Intermedia") documents that were shipped to Kansas City for review before the August 9 hearing. We are in the process of copying and Bates numbering the responsive documents and preparing a privilege log. I will contact you once this process is completed to discuss the manner in which you would like these documents produced.

Also, we determined that approximately 70 additional boxes of Intermedia documents listed on the Tampa index should be reviewed. A list of those boxes is attached. The boxes have been shipped to Kansas City and currently are being reviewed.

Please call Allison Murdock or me if you have any questions.

Very truly yours,

STINSON MORRISON HECKER LLP

A handwritten signature in black ink, appearing to read "B. Driscoll", written over a horizontal line.

Robert L. Driscoll

KANSAS CITY
OVERLAND PARK
WICHITA
WASHINGTON, D.C.
PHOENIX
ST. LOUIS
OMAHA
JEFFERSON CITY

Enclosure

cc: Allison M. Murdock

DB02/048629 0094/6805988.1

A 02751

Parus Holdings Claims Additional Boxes Selected for Review

T094D	Tampa	W15420803	154208034	
T094D	Tampa	R10115/C105	165034485	Sandy Pechin
T094D	Tampa	C2043	165034479	Mills Computer
T094D	Tampa	C2013	165034484	W. Adams
T094D	Tampa	C1350	165034483	Shepahall
T094D	Tampa	C1348	165034491	Inactive Files - Angela Palms
T094D	Tampa	C1348	165034486	Inactive Files - Rodney
T094D	Tampa	C1051	165034490	Recurring Angela Palms
T094D	Tampa	B1015	165034481	Sandy Pechin
T094D	Tampa	AV113	165034475	
T094D	Tampa	AV103	165034489	File Room
T094D	Tampa		165034477	File Room
T094D	Tampa	226516611	226516611	Intermedia-Tampa FL CS&SO Sop Bill Migration files
T094D	Tampa	226516610	226516610	Intermedia-Tampa FL CS&SO Sop Bill Migration files
T094D	Tampa	226516609	226516609	Intermedia-Tampa FL CS&SO Sop Bill Migration files
T094D	Tampa	226516608	226516608	Intermedia-Tampa FL CS&SO Sop Bill Migration files
T094D	Tampa	226516606	226516606	Intermedia-Tampa FL CS&SO Sop Bill Migration files
T094D	Tampa	226516605	226516605	Intermedia-Tampa FL CS&SO Sop Bill Migration files
T094D	Tampa	224664982	224664982	Intermedia-Tampa FL CS and SO LNP files-I
T094D	Tampa	224664981	224664981	Intermedia-Tampa FL CS and SO LNP files-I
T094D	Tampa	224664980	224664980	Intermedia-Tampa FL CS and SO LNP files-I
T094D	Tampa	224664979	224664979	Intermedia-Tamp FL CS and SO LNP files-I
T094D	Tampa	224664978	224664978	Intermedia-Tampa FL CS and SO LNP files-I
T094D	Tampa	224664933	224664933	Intermedia-Tampa FL CS and SO LNP Out J
T094D	Tampa	224664932	224664932	Intermedia-Tampa FL CS and SO LNP Out I
T094D	Tampa	177204267	177204267	Bev's File Cabinet Binders
T094D	Tampa	177204266	177204266	Bev's File Cabinet Binders
T094D	Tampa	177204265	177204265	Bev's File Cabinet Smith Credenza
T094D	Tampa	177204261	177204261	Bev's File Cabinet
T094D	Tampa	177204260	177204260	Bev's File Cabinet
T094D	Tampa	177204259	177204259	Bev's File Cabinet
T094D	Tampa	177204258	177204258	Bev's File Cabinet
T094D	Tampa	177204256	177204256	Bev's File Cabinet
T094D	Tampa	177204255	177204255	Bev's File Cabinet
T094D	Tampa	177204254	177204254	Bev's File Cabinet
T094D	Tampa	177204253	177204253	Bev's File Cabint

Parus Holdings Claims Additional Boxes Selected for Review

T094D	Tampa	177204252	177204252	Shelia McDaniel's File
T094D	Tampa	177204054	177204054	Wanda Friend - Binders
T094D	Tampa	177204053	177204053	Wanda Friend - Binders
T094D	Tampa	177204052	177204052	Wanda Friend - Binders
T094D	Tampa	177204051	177204051	Wanda Friend - Binders
T094D	Tampa	166137	DST273547	00000166137 Jim Geiger
T094D	Tampa	166136	DST273546	00000166136 Jim Geiger
T094D	Tampa	166135	DST273545	00000166135 Jim Geiger
T094D	Tampa	166134	DST273544	00000166134 Jim Geiger
T094D	Tampa	166133	DST273543	00000166133 Jim Geiger
T094D	Tampa	166132	DST273542	00000166132 Jim Geiger
T094D	Tampa	166131	DST273541	00000166131 Jim Geiger
T094D	Tampa	166130	DST273540	00000166130 Jim Geiger
T094D	Tampa	166129	DST273539	00000166129 Jim Geiger
T094D	Tampa	166128	DST272538	00000166128 Jim Geiger
T094D	Tampa	166127	DST273537	00000166127 Jim Geiger
T094D	Tampa	166126	DST273536	00000166126 Jim Geiger
T094D	Tampa	166125	DST273535	00000166125 Jim Geiger
T094D	Tampa	166124	DST273534	00000166124 Jim Geiger
T094D	Tampa	166123	DST273533	00000166123 Jim Geiger
T094D	Tampa	166122	DST273532	00000166122 Jim Geiger
T094D	Tampa	166121	DST273531	00000166121 Jim Geiger
T094D	Tampa	166119	DST273529	00000166119 Jim Geiger
T094D	Tampa	166118	DST273528	00000166118 Jim Geiger
T094D	Tampa	166117	DST273527	00000166117 Jim Geiger
T094D	Tampa	166116	DST273526	00000166116 Jim Geiger
T094D	Tampa	166114	DST273525	00000166114 Jim Geiger
T094D	Tampa	166113	DST273524	00000166113 Jim Geiger
T094D	Tampa	166112	DST273523	00000166112 Jim Geiger
T094D	Tampa	166111	DST273522	00000166111 Jim Geiger
T094D	Tampa	166110	DST273521	00000166110 Jim Geiger
T094D	Tampa	166109	DST273520	00000166109 Jim Geiger
T094D	Tampa	166108	DST273519	00000166108 Jim Geiger
T094D	Tampa	166107	DST273518	00000166107 Jim Geiger
T094D	Tampa	166106	DST273517	00000166106 Jim Geiger
T094D	Tampa	166105	DST273516	00000166105 Jim Geiger

Parus Holdings Claims

Additional Boxes Selected for Review

T094D	Tampa	166104	DST273515	00000166104	Jim Geiger
T094D	Tampa	166103	DST273514	00000166103	Jim Geiger
T094D	Tampa	166102	DST273513	00000166102	Jim Geiger
T094D	Tampa	166101	DST273512	00000166101	Jim Geiger

A 02754

ADDENDUM
EXHIBIT 5

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEW YORK

-----x

IN RE:

WORLD.COM, INC., ET AL

REORGANIZED DEBTORS

No. 02-13533

-----x

DEPOSITION OF DONALD C. RAMSAY

New York, New York

Monday, November 14, 2005

Reported by:

Miriam Kaplan

JOB NO. 179461

1 Ramsay
2 in this litigation.
3 Q. Do you know if she contacted current or
4 former MCI employees, or both?
5 A. I'm not sure. She had a list of
6 individuals that I'm not sure whether some of them
7 may have been former. I'm not sure.
8 Q. Do you know the names of any of the
9 individuals she contacted to try to locate
10 documents?
11 A. I haven't been back over the list
12 specifically, of who she tried to contact. I'd
13 seen a list that included people I contacted, but
14 I'm not sure as I sit here today, which ones she
15 contacted.
16 Q. Do you know if Miss Stolte did anything
17 else in connection with trying to locate documents
18 in connection with this proceeding?
19 A. I don't know.
20 Q. You don't know?
21 A. I don't.
22 Q. Do you know what Larry Bigus did in
23 connection with trying locate documents in
24 connection with this proceeding?
25 A. He contacted individuals, asked them if

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1 Ramsay
2 they had documents relating to the issues in this
3 proceeding.
4 Q. Do you know who Mr. Bigus contacted?
5 A. I know some of them, yes.
6 Q. Who were they?
7 A. I participated in some of the names
8 contacted. I recall Richard Black, Kathleen
9 Victory, Teresa Hastings, Barry Zip. I believe he
10 may have talked to others, but I don't remember
11 those. I was present and participated in the
12 others.
13 Q. Your recollection is that Mr. Bigus
14 contacted the four individuals you named, but he
15 may have contacted others?
16 A. He may have.
17 Q. At the time that Mr. Bigus was
18 contacting these other individuals, was it still
19 early fall 2004, or was it some other time?
20 A. It was '04, probably mid to late fall,
21 the ones I was aware of.
22 Q. So would you say, late fall of 2004 was
23 around the time that you started to become involved
24 in the collection, or the location of the documents
25 in connection with this proceeding?

Page 23

1 Ramsay
2 A. Yes.
3 Q. Do you know if Mr. Bigus did anything
4 else in connection with locating documents in this
5 proceeding?
6 A. I know he did some other things, but I'm
7 not sure I can describe them. I believe he may
8 have sent e-mails -- let me back up. Sharon Stolte
9 also sent e-mails for getting something. I know
10 she sent e-mails to a group of individuals.
11 Q. So Miss Stolte's contact with MCI
12 employees was both via telephone, as well as
13 e-mail?
14 A. Correct.
15 Q. Aside from contacting MCI employees to
16 see if they had documents, do you know if Miss
17 Stolte did anything else in connection with
18 locating documents?
19 A. I'm not certain. I'm not certain they
20 were all current employees.
21 Q. You mentioned that you recall that
22 Mr. Bigus may have done other stuff in connection
23 with locating documents?
24 A. If I used that imprecise term, maybe
25 that's kind of what it is. I know I recall that he

Page 24

1 Ramsay
2 sent e-mail as well.
3 Q. An e-mail to other either current or
4 former employees of the debtors, to try to locate
5 documents?
6 A. Correct.
7 Q. Do you know if Mr. Bigus did anything
8 else?
9 A. I don't know, don't recall.
10 Q. Do you know if Miss Stolte received any
11 responses from any of these individuals she
12 contacted?
13 A. I believe, she did.
14 Q. Do you know who the responses were from?
15 A. One of the names I can't pronounce, it's
16 Nasser Sheikh. It's a very -- it's what I remember
17 of it, and I believe there was a Stevens. There
18 may be others, but I remember seeing something, a
19 response from those. She received responses from
20 others. By response, I mean she received some
21 documents. She received responses from a number of
22 them beyond that.
23 Q. Do you recall what the nature of the
24 responses were?
25 A. A number of them did not have any

Page 25

1 Ramsay
2 documents relating to issues in these proceedings.
3 Q. Do you recall what Miss Stolte's request
4 was of them?
5 A. Not specifically. I remember it was a
6 very broad request for anything, as I recall,
7 relating to EffectNet or Webley, or the
8 relationship between the Intermedia and EffectNet
9 or MCI, and Webley or MCI; any of those parties,
10 anything, period. I can't recite what it said, but
11 I remember it was very broad.
12 Q. Do you know if Stinson still has the
13 e-mail, or e-mails, that were sent by either Miss
14 Stolte or Mr. Bigus to those individuals?
15 A. I have no reason to think they wouldn't.
16 I would think they would.
17 MR. SMITH: I make a request for a copy
18 of those e-mails that were sent to the
19 individuals by Miss Stolte and/or Mr. Bigus.
20 MR. DRISCOLL: Take it under advisement.
21 Q. Do you know if any of the individuals
22 who responded to Miss Stolte, responded either
23 verbally or in an e-mail?
24 MR. DRISCOLL: I'm sorry, could you read
25 that back?

Page 26

1 Ramsay
2 (Record read.)
3 A. Either one. I believe they did.
4 Q. In both matters?
5 A. No, I'm not sure about e-mail. It may
6 have been. I don't remember. There may be.
7 MR. SMITH: To the extent that there
8 were e-mail responses to Miss Stolte and
9 Mr. Bigus, in response to their requests for
10 documents, we request a copy of those
11 documents.
12 Q. Do you know if Mr. Bigus received any
13 responses from any individuals that he contacted?
14 A. I believe that he did.
15 Q. Do you know who from?
16 A. Specifically, no.
17 Q. Do you recall for which entities, or
18 entity, any of the individuals Miss Stolte
19 contacted were either working for at the time, or
20 had worked for previously?
21 A. No. The specific name of -- the
22 corporate name of the entity that they worked for
23 at the time, I don't recall.
24 Q. Do you know the name of the individuals,
25 employees that Mr. Bigus contacted?

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1 Ramsay
2 A. I don't recall. I'm not sure that I
3 knew, but I don't recall now.
4 Q. In late fall 2004, was anyone else
5 involved in locating, coordinating the review of
6 documents in this proceeding?
7 A. Other than the in-house counsel, no one
8 from the firm, no.
9 Q. Who from in-house counsel was involved?
10 A. David Wachen.
11 Q. Can you spell the last name?
12 A. W A C H E N.
13 Q. Was Mr. Wachen involved at the same time
14 we've been discussing Miss Stolte's roles, or role,
15 as well as Mr. Bigus's role?
16 A. I believe it was.
17 Q. What's Mr. Wachen's title; do you know?
18 A. No.
19 Q. You just know him to be in-house counsel
20 at MCI?
21 A. Correct.
22 Q. Is Mr. Wachen still involved in this
23 proceeding?
24 A. I believe that he is.
25 Q. Do you know what, if anything,

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1 Ramsay
2 Mr. Wachen did in late fall, or in the fall of
3 2004, in connection with attempting to locate, or
4 locate documents, or coordinate review of documents
5 in this proceeding?
6 MR. DRISCOLL: Excuse me, that's a
7 compound question. I missed the second part.
8 (Record read.)
9 MR. DRISCOLL: That's locate or
10 coordinate.
11 MR. SMITH: If you have an objection,
12 I'll rephrase it.
13 MR. DRISCOLL: It was a question of
14 understanding.
15 MR. SMITH: Sure.
16 A. I don't think I can recite everything he
17 did, but I'm aware that he sent an e-mail advising
18 employees to retain any documents they had; they
19 could not be destroyed. I'm aware he provided, let
20 me hold that off. He may have been the one I'm not
21 certain, who provided a list of individuals who
22 might have information.
23 Q. Do you know when Mr. Wachen sent the
24 e-mail you mentioned, advising to retain e-mails or
25 documents?

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1 Ramsay
2 **A. Part of that initial effort before I**
3 **became involved, early fall, late fall, of '04.**
4 Q. Do you know who he sent the e-mail to?
5 **A. I couldn't try to list them.**
6 Q. Do you know who?
7 **A. I don't recall the list of people he**
8 **sent it to.**
9 Q. Have you ever seen the e-mail that he
10 sent?
11 **A. I have.**
12 Q. Does Stinson have it in its possession?
13 **A. I assume so.**
14 MR. SMITH: I'd like to request a copy
15 of that e-mail as well.
16 Q. Aside from providing the list of
17 individuals to contact for information, did
18 Mr. Wachen, to your knowledge, do anything else
19 with respect to locating documents?
20 **A. I believe he did, yes.**
21 Q. What else?
22 **A. Again, I'm not certain at all, but my**
23 **memory is that he put us in contact with a**
24 **depository of some documents in Ashburn Virginia.**
25 **I believe he's the individual who located and**

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1 Ramsay
2 **advised us of those. I'm not sure, but I think so.**
3 Q. Do you know how he went about finding
4 these documents in Virginia?
5 **A. I don't.**
6 Q. Do you know if Mr. Wachen did anything
7 else, with respect to locating documents in this
8 proceeding?
9 **A. As I said, I don't recall all. He put**
10 **us in contact with a number of individuals, and as**
11 **we went through the process, I don't recall what he**
12 **did, or necessarily all the individuals, but I**
13 **recall that.**
14 Q. Who were the names of the individuals he
15 put you in contact with?
16 **A. Well the names that initial list I**
17 **believe, he provided to Sharon Stolte and Larry**
18 **Bigus. I believe, he put us in contact with a**
19 **woman by the last name of Tate, and a Beckman.**
20 Q. What was the first name?
21 **A. I think it's Roger, I think it's Brenda**
22 **Tate, and at one point put us in contact with a**
23 **gentleman by the name of Mancini.**
24 Q. Do you know the first name?
25 **A. I don't remember, I don't recall. I**

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1 Ramsay
2 **don't recall his first name.**
3 Q. Anyone else that you recall him putting
4 you in touch with?
5 **A. As I sit here, no, I don't recall. As**
6 **we go through, I may hear questions as we go**
7 **through this process, I may think of something**
8 **else, but at the top of my head, no.**
9 Q. Do you have any documents that would
10 refresh your recollection, as to any other
11 individuals he put you in contact with?
12 **A. Do I have them with me, or do they**
13 **exist; what's the question?**
14 Q. Do they exist?
15 **A. There are some.**
16 Q. What are those documents?
17 **A. I have made some notes as I went through**
18 **the process.**
19 Q. Anything else?
20 **A. E-mail that went back and forth might**
21 **refresh my memory.**
22 Q. Do you recall anything else that
23 Mr. Wachen did in connection with locating
24 documents in this proceeding?
25 **A. I recall that he participated in at**

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1 Ramsay
2 **least two phone conferences with individuals**
3 **regarding back up tapes.**
4 Q. Anything else?
5 **A. That's all that's coming to mind right**
6 **now. As we go through this, I'll try, something**
7 **might jog my memory from your questions, but that's**
8 **all I think of now.**
9 Q. With respect to the two phone
10 conferences; were you on the phone as well?
11 **A. Yes.**
12 Q. Did you take notes of those phone calls?
13 **A. I don't recall. I may have, but I**
14 **don't -- I'm not certain.**
15 Q. You mentioned a person by the name of
16 Brenda Tate that Mr. Wachen put you in touch with?
17 **A. Correct.**
18 Q. Who is she?
19 **A. I believe, and she is one of the**
20 **individuals with the WorldCom records management**
21 **function.**
22 Q. She's still employed by MCI, or
23 reorganized debtors?
24 **A. As far as I know.**
25 Q. Yes, as far as you know?

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1 Ramsay
 2 **A. Yes, as far as I know.**
 3 Q. Who is Roger Beckman, I believe you
 4 mentioned?
 5 **A. You're asking me to reach back. I'm not**
 6 **certain of this, but I think he's one of the**
 7 **individuals who had knowledge of a group of boxes**
 8 **located in Ashburn, Virginia.**
 9 Q. Do you know if he is employed by MCI?
 10 **A. I believe, he is.**
 11 Q. And you mentioned a person with the last
 12 name of Mancini?
 13 **A. Correct.**
 14 Q. Who is that person?
 15 **A. He's also the record management function**
 16 **of MCI.**
 17 Q. Do you know if he's still employed?
 18 **A. As far as I know, yes.**
 19 Q. Did you speak with each of these
 20 individuals; Miss Tate, Mr. Beckman and
 21 Mr. Mancini?
 22 **A. Yes.**
 23 Q. When did you speak with them?
 24 **A. Would have been early winter of '05. I**
 25 **say earlier, it would have been winter of '05, but**

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1 Ramsay
 2 **I'm not certain whether it was early winter, mid**
 3 **winter, or late winter.**
 4 MR. DRISCOLL: Or not yet winter of '05.
 5 **A. I'm sorry -- yes I think that is when I**
 6 **talked to them.**
 7 MR. DRISCOLL: Today, November 14, '05.
 8 **A. I'm a year off on this, I'm a year off,**
 9 **pardon me. It would have been winter of 0 -- no it**
 10 **would have been January, February of '05.**
 11 MR. DRISCOLL: Okay.
 12 Q. When you're referring to winter '05,
 13 right now you're referring to January, February of
 14 2005?
 15 **A. Yes.**
 16 MR. SMITH: If I take Mr. Driscoll
 17 correctly, you were referring to presently, as
 18 perhaps the winter of '05.
 19 MR. DRISCOLL: Obviously.
 20 **A. That would be early winter. It would**
 21 **have been January, February of '05, or March; it**
 22 **could have been.**
 23 Q. With respect to Miss Tate, and I assume,
 24 if you correct me if I'm wrong, Tate is spelled T A
 25 T E?

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1 Ramsay
 2 **A. I believe it is.**
 3 Q. Do you know what her title was at the
 4 time you spoke with her?
 5 **A. I don't recall.**
 6 Q. Do you know what her role was at the
 7 time you spoke with her, at WorldCom and MCI?
 8 **A. Other than she worked with their records**
 9 **management function, I don't.**
 10 Q. What, if any, information did Miss Tate
 11 provide to you?
 12 **A. I'm gonna have trouble distinguishing**
 13 **between whether it was Miss Tate or Miss Taylor,**
 14 **but one or both of those individuals ultimately**
 15 **provided some indexes, I believe, of boxes of**
 16 **documents.**
 17 Q. You mentioned a Miss Taylor?
 18 **A. Yes.**
 19 Q. Who is that?
 20 **A. She's another individual that works with**
 21 **the records management function at MCI.**
 22 Q. When did you speak with Miss Taylor?
 23 **A. In that same time frame.**
 24 Q. What did you request of either Miss Tate
 25 or Miss Taylor, when you spoke with them?

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1 Ramsay
 2 **A. Their assistance in locating any**
 3 **documents in relation to this litigation,**
 4 **including, in part, documents that might have been**
 5 **stored by Intermedia.**
 6 Q. Do you know if they had any role with
 7 respect to storage of documents with Intermedia?
 8 **A. I believe, as far as I know, they didn't**
 9 **store them -- weren't involved in the storing of**
 10 **them, but they had information about them.**
 11 Q. Do you know if Miss Taylor or Miss Tate
 12 worked for Intermedia at some point?
 13 **A. I don't believe either did, but I'm not**
 14 **sure.**
 15 Q. Do you know if Mr. Beckman or
 16 Mr. Mancini, ever worked for Intermedia?
 17 **A. I don't recall, I don't believe so, but**
 18 **I don't recall for sure.**
 19 Q. Did you -- when you made the request of
 20 Miss Taylor and Miss Tate, did you make the request
 21 verbally or in writing? You mentioned before, you
 22 made a request.
 23 **A. I believe there was some of both.**
 24 Q. What do you mean, some of both?
 25 **A. Writing and verbal.**

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1 Ramsay
2 my understanding, that their function relating to
3 it crosses all the corporate entities, whether I
4 can tell you 199 -- my understanding is, it's all.
5 Nobody gave me a list of them, but.
6 Q. Where did you gain that understanding,
7 that she had, or her group, had a role of
8 overseeing storage of all of the documents?
9 A. From conversations with Phil
10 Hasselvander.
11 Q. Can you spell the name for me?
12 A. H A S S E L V A N D E R.
13 Q. Where is he from?
14 A. He's with their records management
15 function. I'm not sure where he's located.
16 Q. Is this Mr. Hasselvander, is he another
17 individual that Mr. Wachen put you in touch with?
18 A. Indirectly. I think that may be as I --
19 this is -- I'm not certain of this, but I believe
20 that one of the others ultimately referred me to
21 him, or he contacted me as a result of my
22 conversations with one of the other individuals
23 with the records management.
24 Q. So your recollection, just so I'm clear,
25 at some point in either late fall of 2004 going

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1 Ramsay
2 into perhaps January, February 2004?
3 A. '05.
4 Q. Excuse me, 2005, thank you.
5 Mr. Hasselvander either contacted you,
6 or you contacted him as a result of your speaking
7 with either Mr. Wachen, Miss Taylor, Miss Tate or
8 Mr. Beckman or Mr. Mancini?
9 A. Correct.
10 Q. Do you know what Mr. Hasselvander's
11 function was at the time you spoke with him, in
12 connection with records management?
13 A. I don't recall his title, but I believe
14 he's some supervisory capacity over one or more of
15 these other individuals. I believe, he may be the
16 head of that function, stored records. I believe,
17 he is. I'm not certain.
18 Q. What did Mr. Hasselvander say to you in
19 connection with his group's function of storing
20 WorldCom documents?
21 A. Well, I had a number of conversations
22 with them. I'm not sure generally- if you're
23 referring to whether it crossed corporate lines, I
24 asked him the question, and he said yes.
25 Q. You asked him -- what question did you

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1 Ramsay
2 ask him?
3 A. I asked him -- at one point, I said we
4 had a large group of Intermedia documents. I said
5 ask him if his searches done by computer would be
6 limited by corporate lines, and he said no, this
7 would cross all corporate lines.
8 Q. When we say all corporate lines, that
9 would include all Intermedia entities, all WorldCom
10 entities, or MCI entities?
11 A. That's my understanding.
12 Q. Do you know the name of the group or the
13 entity at WorldCom that Mr. Hasselvander and the
14 others worked for?
15 A. Yes. RIM, records information
16 management.
17 Q. Do you know what they're a subsidiary
18 of, an affiliate of one of the WorldCom entities?
19 A. I don't know.
20 Q. Do you know if it's a group, or a
21 department within one of the WorldCom entities?
22 A. I don't know.
23 Q. Do you know if it's an organization
24 independent of any of the WorldCom entities?
25 A. Independent of any one of them?

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1 Ramsay
2 Q. Right, right.
3 A. I think it's part of one or more of the
4 entities, but I'm not sure the corporate structure.
5 Q. Do you know if any of them, any of the
6 individuals you mentioned thus far;
7 Mr. Hasselvander, Miss Taylor, Miss Tate, Mr.
8 Beckman, or Mr. Mancini, conducted searches for
9 documents?
10 A. I'm certain they did, mechanically did
11 it. I'm not certain. I believe Mr. Hasselvander
12 did some, in some cases in his direction.
13 Q. Do you know how any one of those
14 individuals did searches, or directed that searches
15 be done?
16 A. I don't know the physical mechanics of
17 it, but I'm aware that they had information, names,
18 and terms, and conducted searches through that
19 process.
20 Q. What was the information that they had
21 that he used to conduct the searches?
22 A. I believe, I can't sit here and recall
23 all of it, but I believe it would have included
24 EffectNet, it would have included Intermedia One,
25 it would have included request for information

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1 Ramsay
2 regarding a merger between MCI and Intermedia.
3 There were names I know that included James Faust
4 and Jim Renforth and others. That's at least some
5 of them, probably Webley.
6 Q. Why do you say, probably Webley?
7 A. Because it was one of the entities
8 involved in the matter.
9 Q. Do you know if in fact, either one of
10 those individuals either did the search, or
11 directed a search to include Webley in that search?
12 A. I can't sit here today and say for sure.
13 I'm more confident in some of the other terms,
14 because I see them in the indexes, but I don't
15 recall Webley for sure.
16 MR. DRISCOLL: I couldn't hear that.
17 Can you read that back?
18 (Record read.)
19 Q. Do you know if they used the term
20 EffectNet in their searches?
21 A. I believe they did.
22 Q. Why do you believe that?
23 A. The reason I believe that, is because
24 the indexes came back and I looked at them, and the
25 EffectNet was not among the words in the indexes,

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1 Ramsay
2 so I called about that -- why is that, and the
3 answer was, it doesn't come up in search.
4 Q. Who did you speak to when you called?
5 A. I recall it could have been Joe Stevens,
6 it could have been Emmy Taylor, it could have been
7 Phil Hasselvander or Brenda Tate.
8 Q. So it could have been one of those four
9 or five individuals you mentioned?
10 A. Yes, yes.
11 Q. Do you know how they went about the
12 search with the term EffectNet?
13 A. Mechanically, if that's what you mean.
14 I don't know the mechanical process. It includes
15 entering into the computer system search terms like
16 many other systems, but I don't know.
17 Q. I mean, let me back up a couple of steps
18 perhaps. When you spoke with one of these four
19 individuals, and I know that your recollection is
20 that you spoke with them, you're just not sure
21 which ones perhaps, and what time frames, in what
22 order; but when you asked them to do a search,
23 strike that.
24 When you spoke with these individuals,
25 what was your understanding as to what they were

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1 Ramsay
2 searching for?
3 A. Stored documents, indexes, electronic
4 indexes of stored documents.
5 Q. So your understanding was that they had
6 index, or multiple indexes, of documents that they
7 had stored somewhere?
8 A. Yes.
9 Q. The actual physical document stored
10 somewhere then, had an index?
11 A. A computerized index, yes.
12 Q. When they conducted, either they
13 themselves, or had someone conduct the searches,
14 they searched the index or indices for the term,
15 for example EffectNet?
16 A. That is my understanding, yes.
17 MR. DRISCOLL: Can you read back the
18 last question?
19 (Record read.)
20 Q. Just so I'm clear, they didn't actually
21 go to the boxes of documents and search for these
22 documents with these terms?
23 A. I don't believe they did.
24 Q. Do you know how they determined what
25 indexes or indices existed?

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1 Ramsay
2 A. It's my understanding, their
3 computerized index system would include their
4 searches, would include search of all indexes of
5 stored hard copy documents.
6 Q. Okay.
7 Do you know what the stored documents
8 encompassed, or included?
9 A. I guess I'm not sure I understand your
10 question.
11 Q. And certainly, if at any time during
12 today you don't understand a question, tell me and
13 I'll try to rephrase it so you understand. I think
14 you may have answered this before, but let me ask
15 it again. I think I know what the answer would be,
16 but just.
17 Do you know of what entities the stored
18 documents were from, that they had these indices
19 for?
20 A. Again, my understanding is all related
21 entities.
22 Q. And that would have included Intermedia
23 entities, WorldCom entities, or MCI entities?
24 A. Correct.
25 Q. Again, the time frame for that was

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1 Ramsay
2 January 1, 2000 through the end of 2002, December
3 of 2002?
4 **A. Time frame for what?**
5 Q. For your request for of their search in
6 these stored documents?
7 **A. Well, that is a time frame we worked**
8 **with, but I don't believe their search for stored**
9 **documents was limited in that way. They searched**
10 **for terms and sometimes what I recall concepts,**
11 **marketing, that sort of thing, Intermedia**
12 **marketing, names. I'm sure we did give them dates,**
13 **but I know the index we produced includes documents**
14 **from earlier time frames, so it can't have been**
15 **that limited.**
16 Q. Do you know where the documents that
17 they had indices of were stored?
18 **A. I don't know where they were stored.**
19 **They were stored sometimes, at least in commercial**
20 **storage companies, like Iron Mountain, and perhaps**
21 **all over the world for that matter.**
22 Q. Do you know how the indices that they
23 had were created?
24 **A. I have some information about how the**
25 **index of Intermedia originating documents were**

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1 Ramsay
2 **created.**
3 Q. Before I get to that, you make a
4 distinction between the index of Intermedia
5 documents and between other documents?
6 **A. In terms of how they were created, yes.**
7 Q. Do you know if there were different
8 indices for different entities?
9 **A. My understanding, again, is it's when**
10 **computerized indexing system, whether they go to**
11 **two to three separate systems. I'm not absolutely**
12 **sure of that, but the information on the indexes, I**
13 **guess, is what I have some information on as it**
14 **relates to Intermedia originated documents.**
15 Q. I don't recall if this was the question
16 I just asked you. Do you know how the indices were
17 created?
18 **A. I again, I've been told, in some respect**
19 **how information for the indexes was generated for**
20 **Intermedia.**
21 Q. Okay, and what information were you told
22 about, how the information was gathered for
23 Intermedia documents?
24 **A. That as Intermedia was winding up and**
25 **employees were leaving their employment, RIF, they**

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1 Ramsay
2 **were asked to box up documents and create an index**
3 **and leave them in their office or their space.**
4 Q. You said RIF, I assume you're talking
5 about reduction in force?
6 **A. Correct.**
7 Q. As I understand your testimony, at the
8 time when Intermedia was either being merged into
9 or shutting down, in some way the employees who
10 were laid off or terminated, in some way were told
11 to box up their documents, create an index for
12 those documents, and leave them where they were?
13 **A. That's my understanding, yes.**
14 Q. Do you know if they were given some
15 template to create an index what was contained in
16 whatever documents they had?
17 **A. I don't know.**
18 Q. Do you know what information they
19 included in there respective indices?
20 **A. Well, we have the index, but beyond**
21 **that, no. We have overall large index you've seen**
22 **on those boxes.**
23 Q. Well, were the indices that were given
24 to you, and ultimately given to us in this case,
25 the indices of each individual employee?

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1 Ramsay
2 **A. That is my understanding.**
3 Q. For employees who were not either laid
4 off, terminated, or in some way, do you know what
5 they did with respect to their documents?
6 **A. I only know that was the process and, I**
7 **don't know who you'd be referring to, or what**
8 **circumstance you'd be referring to, but as they**
9 **left to merge to go to MCI or to leave employment,**
10 **whatever; they were asked to box them and leave an**
11 **index.**
12 Q. Do you know if their boxes were titled
13 in some way specific to those particular
14 individuals?
15 **A. Well again, from the indexes that you've**
16 **seen, we've seen, there are some instances where**
17 **that's the case, but generally not.**
18 Q. Do you know if, for example, I think you
19 mentioned a Jim Renforth or James Renforth; do you
20 know if he had created an index of whatever
21 documents he had at the time that he left
22 employment with Intermedia?
23 **A. I know that I'd ask records management**
24 **to run his name against their stored documents, and**
25 **it produced only his personal file. No other**

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<p>1 Ramsay</p> <p>2 documents identify as his.</p> <p>3 Q. Aside from individual employees creating</p> <p>4 indices for documents they had in their offices, do</p> <p>5 you know, otherwise, how documents stored by</p> <p>6 Intermedia were indexed?</p> <p>7 A. That's it. I believe, that's what I</p> <p>8 understand, that's what I understand the practice</p> <p>9 was.</p> <p>10 Q. Do you know if Intermedia had, I'm going</p> <p>11 to try and phrase the question; tell me if you</p> <p>12 understand it or not.</p> <p>13 Do you know if Intermedia had a records</p> <p>14 management office that on a rolling basis</p> <p>15 employees, would send documents or files so that</p> <p>16 these documents could be maintained in a central</p> <p>17 storage space contemporaneously with their own work</p> <p>18 files, for example?</p> <p>19 A. Well, I believe my understanding is the</p> <p>20 same storage function to the extent that happened,</p> <p>21 it would be through records management and part of</p> <p>22 their stored documents that is, encompasses all, so</p> <p>23 to the extent documents were stored prior to, or</p> <p>24 other than, I think it would be part of that as</p> <p>25 well.</p> <p style="text-align: right;">Page 54</p>	<p>1 Ramsay</p> <p>2 how other indices were created?</p> <p>3 A. Don't recall that they did.</p> <p>4 Q. Aside from Intermedia documents, did</p> <p>5 they have indices of other entities?</p> <p>6 A. Well, again, I'm not- I don't know that</p> <p>7 their indices are divided by entities. It's my</p> <p>8 understanding, their computer indexes cross entity</p> <p>9 lines, so I don't believe they were separated</p> <p>10 necessarily, by corporate entity, they may. I'm</p> <p>11 not aware of what they do, and I have been informed</p> <p>12 that their searches cross corporate lines.</p> <p>13 Q. Aside from the terms you mentioned</p> <p>14 earlier, I believe EffectNet Intermedia One and</p> <p>15 merger between MCI and Intermedia, were there other</p> <p>16 search terms that were used to search the indices</p> <p>17 that RIM had in its possession?</p> <p>18 A. Again, I believe Webley would have been</p> <p>19 used, and individual names were also used.</p> <p>20 Q. Well, I understand. I'm just talking</p> <p>21 about terms, I wasn't talking about names.</p> <p>22 A. Unified Communications, probably was</p> <p>23 used.</p> <p>24 Q. Probably?</p> <p>25 A. I believe it was.</p> <p style="text-align: right;">Page 56</p>
<p>1 Ramsay</p> <p>2 Q. Let me give you an example of what I'm</p> <p>3 driving at and see if it's any clearer. For</p> <p>4 example, here at Kelly Drye, if I receive a</p> <p>5 document or letter, correspondence, whatever it</p> <p>6 might be, I send that letter when I receive it, or</p> <p>7 a copy of it, to our records management department.</p> <p>8 I also keep a copy for myself so I have a work</p> <p>9 file. Do you know if Intermedia had a similar type</p> <p>10 of records management, where on either,</p> <p>11 contemporaneously, employees would send a document</p> <p>12 or file that they received or sent out to that</p> <p>13 central records management, and also perhaps retain</p> <p>14 their own work file?</p> <p>15 A. I'm not certain of that. What I</p> <p>16 understand, is that whatever that process is, it</p> <p>17 would have ended up with RIM after it closed, after</p> <p>18 Intermedia closed.</p> <p>19 Q. With respect to indices not of</p> <p>20 Intermedia, do you know how those indices were</p> <p>21 created?</p> <p>22 A. I'm not certain how those were created.</p> <p>23 Q. Did any of the individuals from RIM,</p> <p>24 including Mr. Hasselvander, Miss Taylor, Miss Tate,</p> <p>25 Mr. Beckman, or Mr. Mancini, ever indicate to you</p> <p style="text-align: right;">Page 55</p>	<p>1 Ramsay</p> <p>2 Q. Why do you believe it was?</p> <p>3 A. Well, one of the boxes produced is</p> <p>4 labelled Unified Communications. It was a key</p> <p>5 term. It was logically, one that we would have</p> <p>6 used, might have used, Webley in connection with</p> <p>7 master software licensing agreement. I'm not</p> <p>8 certain at all, but I think they may have looked</p> <p>9 for management reports, marketing, that sort of</p> <p>10 thing, but I don't recall the terms.</p> <p>11 Q. Do you have any notes of what terms they</p> <p>12 did use?</p> <p>13 A. I don't believe I do.</p> <p>14 Q. When you discussed with them, or</p> <p>15 communicated with them in connection with the terms</p> <p>16 to be used, did you send them anything in writing</p> <p>17 to include the terms to be used to search the</p> <p>18 indices?</p> <p>19 A. I simply don't recall.</p> <p>20 Q. You mentioned earlier that they used the</p> <p>21 term EffectNet to conduct the search, and there</p> <p>22 were no results from that search; is that accurate?</p> <p>23 A. I believe that's true, that's my best</p> <p>24 recollection.</p> <p>25 Q. Do you know how they input that search</p> <p style="text-align: right;">Page 57</p>

1 Ramsay
2 term into the data base to search for it?
3 **A. Physically inputted?**
4 Q. Meaning how it was spelled.
5 **A. Spelled?**
6 Q. Right.
7 **A. Not certain, but they're pretty good. I**
8 **think from conversations with them, they're aware**
9 **that you have to use a variety of terms**
10 **sometimes -- no, they didn't.**
11 Q. I didn't finish my question. Did they
12 tell you how they input the name to do the search?
13 **A. I don't recall that they did.**
14 Q. You mentioned a couple of names that
15 they had searched, among others. Two names you did
16 mention were Faust and Renforth; is that correct?
17 **A. That is correct.**
18 Q. Do you know how they -- do you know if
19 they had any results from the search including the
20 name Faust?
21 **A. His personnel file.**
22 Q. Anything else?
23 **A. My understanding is there wasn't**
24 **anything else.**
25 Q. I believe you testified the same result

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1 Ramsay
2 with respect to Mr. Renforth?
3 **A. That's correct.**
4 Q. Do you know if they conducted searches
5 of other individuals?
6 **A. They did.**
7 Q. Using their names?
8 **A. Yes they did.**
9 Q. Do you know the results were of that?
10 **A. Nothing, other than personnel files.**
11 Q. Do you know if there were searches done
12 for work files for Mr. Faust?
13 **A. Well, I mean, they searched using his**
14 **name, so I'm not sure what you mean by work files.**
15 Q. Let me try it this way. When either
16 yourself or Mr. Bigus, or Miss Stolte, or anyone
17 else at Stinson, communicating with individuals who
18 either worked at presently, at that time, or
19 formerly at WorldCom Intermedia or MCI, did you
20 contact Mr. Faust?
21 **A. I did not.**
22 Q. Do you know if any of the other
23 individuals at Stinson did?
24 **A. I'm not aware if any of them did.**
25 Q. Did anyone from Stinson contact

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1 Ramsay
2 Mr. Renforth?
3 **A. I'm not aware if they did or didn't.**
4 Q. I believe you had mentioned earlier that
5 either yourself, or someone else from Stinson had
6 contacted Mr. Black?
7 **A. That's correct.**
8 Q. Did you personally, or did someone else
9 from Stinson?
10 **A. I participated in phone conversations**
11 **with Mr. Black -- more than one but -- I know at**
12 **least two actually.**
13 Q. I'm sorry?
14 **A. At least two.**
15 Q. Two conversations with him?
16 **A. Mr. Black, yes.**
17 Q. Is he still employed with MCI?
18 **A. Yes.**
19 Q. During the conversation with Mr. Black,
20 was it requested of him whether or not he had to
21 maintain, or keep a work file regarding either
22 EffectNet or Intermedia One, or anything relating
23 to this proceeding?
24 **A. We asked if he had any records relating**
25 **to those issues, yes.**

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1 Ramsay
2 Q. What was his response?
3 **A. He did not.**
4 Q. Did he say whether he had ever worked on
5 any matters relating to EffectNet or Intermedia
6 One, or Webley or Unified Communications?
7 **A. I'm not certain to what extent I can go**
8 **into the details of Mr. Black, without waiving**
9 **privilege.**
10 MR. DRISCOLL: Can you read the question
11 back?
12 (Record read.)
13 MR. DRISCOLL: I guess we need to talk.
14 MR. SMITH: Hold on. Just to be clear
15 for the record. The discussion is to
16 determine whether or not any discussions that
17 Mr. Ramsay or others that he was involved with
18 at the time, any conversation with Mr. Black
19 impinges upon privileged communication?
20 MR. DRISCOLL: That's why I want to have
21 this chat.
22 MR. SMITH: I want it to be clear.
23 MR. DRISCOLL: Could you read the
24 question back?
25 (Record read.)

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<p>1 Ramsay</p> <p>2 MR. DRISCOLL: So whether Black worked</p> <p>3 for any of those, or on any of those things.</p> <p>4 (Discussion off the record.)</p> <p>5 A. Can I have the question read back?</p> <p>6 (Record read.)</p> <p>7 A. And my answer is, I don't recall.</p> <p>8 Q. Did he say whether or not he had any</p> <p>9 documents relating to any of those topics?</p> <p>10 A. He said he did not.</p> <p>11 Q. Did you take any notes of that</p> <p>12 conversation with Mr. Black?</p> <p>13 A. I did.</p> <p>14 Q. You also mentioned, either you or</p> <p>15 someone else from Stinson had spoken with Kathleen</p> <p>16 Victory?</p> <p>17 A. That's correct.</p> <p>18 Q. Was it you, or was it somebody else, or</p> <p>19 you and somebody else at the same time?</p> <p>20 A. I was present, participated in one</p> <p>21 conversation with Larry Bigus, and I had at least</p> <p>22 one other conversation myself individually.</p> <p>23 Q. Did Miss Victory indicate whether she</p> <p>24 had any documents relating to the topics I</p> <p>25 mentioned before, with respect to Mr. Black?</p> <p style="text-align: right;">Page 62</p>	<p>1 Ramsay</p> <p>2 Q. EffectNet --</p> <p>3 A. I'm not trying to be- I think she may</p> <p>4 have had, or recalled something about Webley Master</p> <p>5 Software Licensing Agreement. I'm not certain. I</p> <p>6 don't know if that was part of your list or not.</p> <p>7 Q. It was.</p> <p>8 I believe you had also mentioned you had</p> <p>9 conversations, or someone from Stinson, had</p> <p>10 conversations with Barry Zip; is that correct?</p> <p>11 A. That's correct.</p> <p>12 Q. Did Barry Zip indicate whether he had</p> <p>13 any documents related to EffectNet Intermedia One,</p> <p>14 Webley, Unified Communications or any of those</p> <p>15 topics?</p> <p>16 A. I believe he did not.</p> <p>17 Q. Do you know if he said he was involved</p> <p>18 with, or he had worked on any of these topics?</p> <p>19 A. I don't recall.</p> <p>20 Q. You mentioned either you, or someone</p> <p>21 else from Stinson Stinson, may have contacted other</p> <p>22 individuals?</p> <p>23 A. Yes.</p> <p>24 Q. Do you remember the names of those other</p> <p>25 individuals?</p> <p style="text-align: right;">Page 64</p>
<p>1 Ramsay</p> <p>2 A. She said she did not.</p> <p>3 Q. Did she say she had ever worked on any</p> <p>4 of those matters, or involved in some way?</p> <p>5 A. I don't recall.</p> <p>6 Q. Miss Hastings?</p> <p>7 A. No, I don't recall. There's -- she</p> <p>8 signed the contract, but beyond that I don't</p> <p>9 recall.</p> <p>10 Q. The contract meaning the Unified</p> <p>11 Communications agreement?</p> <p>12 A. Right.</p> <p>13 Q. With respect to, I believe, you had said</p> <p>14 Teresa Hastings, either you, or you and somebody</p> <p>15 else from Stinson had conversations with her</p> <p>16 regarding documents; did she indicate in your</p> <p>17 conversation with her or anyone else from Stinson,</p> <p>18 having a conversation with her indicate whether she</p> <p>19 had any documents?</p> <p>20 A. She said she did not.</p> <p>21 Q. Did she indicate whether she had worked</p> <p>22 on any of the matters that I asked you before, with</p> <p>23 respect to Mr. Black?</p> <p>24 A. I don't recall the list now that you</p> <p>25 were asking about. What was the list of topics?</p> <p style="text-align: right;">Page 63</p>	<p>1 Ramsay</p> <p>2 A. I could give you some, certainly.</p> <p>3 Q. Okay.</p> <p>4 A. Steve Hooper, Mike Randles.</p> <p>5 Q. What was the name again?</p> <p>6 A. Steve Hooper, Mike Randles, Maria Ayala,</p> <p>7 Julio Valdez, gentleman by the name of Perez, whose</p> <p>8 last name I don't recall -- whose first name I</p> <p>9 don't recall. There were others, but they're not</p> <p>10 coming to mind immediately, but there were others.</p> <p>11 Again, as we go through it, perhaps</p> <p>12 chronologically, your question might bring them up;</p> <p>13 there were others.</p> <p>14 Q. Were these individuals you just</p> <p>15 mentioned, individuals that at the same time as you</p> <p>16 had contacted Mr. Black, Miss Victory for example,</p> <p>17 you also contacted these individuals?</p> <p>18 A. Mr. Black and Miss Victory were</p> <p>19 contacted sometime in '04, and the other</p> <p>20 individuals were sometime in '05. I don't know</p> <p>21 exactly when, but it was a little bit later.</p> <p>22 MR. DRISCOLL: Can you read that back?</p> <p>23 (Record read.)</p> <p>24 Q. Did you ask any of these individuals you</p> <p>25 just mentioned, whether they had any files</p> <p style="text-align: right;">Page 65</p>

1 Ramsay
2 concerning EffectNet, Intermedia One or anything
3 else relating to this litigation?
4 **A. Yes.**
5 Q. What was their response?
6 **A. Steve Hooper did have documents.**
7 Q. Anyone else?
8 **A. Mike Randles had documents.**
9 Q. Anyone else?
10 **A. Julio Valdez had something on the**
11 **electronic side for back up tapes. I don't know if**
12 **you want to go into that, but he's aware of the**
13 **process, and so forth of backup tapes. Perez, I**
14 **don't believe, had any documents. He again, was on**
15 **the electronic side, was the one I contacted**
16 **because it was thought he might have information**
17 **before we reached Julio, I believe, and found he**
18 **had the information we needed.**
19 Q. How about Maria Ayala?
20 **A. She did not have any documents.**
21 Q. Did Mr. Hooper and Mr. Randles work for
22 WorldCom or Intermedia?
23 **A. Mr. Hooper worked for WorldCom, and**
24 **Mr. Randles had worked for Intermedia, and**
25 **currently works for MCI or WorldCom.**

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1 Ramsay
2 Q. Do you know if the documents that they
3 mentioned they had were -- had also been included
4 in the indices that were searched by the RIM
5 office?
6 **A. I don't believe they were.**
7 Q. So they had documents independent, or
8 separate, from what was on the indices?
9 **A. That's correct.**
10 Q. Do you know if those documents were
11 obtained by Stinson for review for purpose of
12 production in this case?
13 **A. They were.**
14 Q. Do you know if they were produced?
15 **A. Non-privileged response documents from**
16 **those sets were produced.**
17 MR. SMITH: Can I mark this as Ramsay
18 Exhibit No. 1?
19 (Ramsay Exhibit 1, WorldCom's first
20 amended initial disclosure, marked for
21 identification, as of this date.)
22 Q. Mr. Ramsay, you should have in front of
23 you what we marked for identification as Ramsay
24 Exhibit No. 1. It has a caption of United States
25 Bankruptcy Court, Southern District of New York,

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1 Ramsay
2 Chapter 11 case number 02-13533, (AJG), in re,
3 WorldCom Inc., et al. And it's WorldCom Inc.'s
4 first amended initial disclosure pursuant to fed
5 rule bankruptcy procedure 706281, and it's dated
6 certificate of service has it dated as November 23,
7 2004. Do you recognize this document at all?
8 **A. I do.**
9 Q. Have you seen it before?
10 **A. I have.**
11 Q. Did you have help in preparing this
12 document?
13 **A. I believe -- is that the amended**
14 **version? I participated, I believe I have.**
15 Q. For the purposes of right now, my
16 question really focuses on page two of the document
17 under disclosures A, witnesses. And there's a list
18 of 25 names here. Did you have a chance to take a
19 look at the names listed?
20 **A. I just now glanced.**
21 Q. Does looking at this list refresh your
22 recollection in any way of other individuals you
23 may have contacted, or Stinson may have contacted,
24 in connection with trying to locate documents in
25 this proceeding?

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1 Ramsay
2 **A. To some degree. There are other names**
3 **on here that I believe we contacted. We, meaning**
4 **either I, or others with Stinson.**
5 Q. Okay.
6 **A. Well, and I -- I don't know how you want**
7 **to approach this.**
8 MR. DRISCOLL: Let him ask the question.
9 Q. There are certain names here that you've
10 already identified, and I'm not going to cover them
11 again, but then there were names that you have not
12 identified that I was going to ask you. I'll just
13 go through and try to make it as expeditious as
14 possible, so that we don't waste time just doing
15 this, but maybe the easiest way is, aside from the
16 individual names you've mentioned already, are
17 there other names on this list who you did
18 communicate with or contact with, to determine
19 whether they had documents or not?
20 **A. Are you asking me personally?**
21 Q. Either you and/or Stinson?
22 **A. Okay. There are other names on there**
23 **that I believe we did contact. Some cases, I**
24 **believe, they were on the list that Sharon Stolte**
25 **contacted, but I'm not as certain about that. I**

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1 **Ramsay**
2 **believe Jennifer Carroll was contacted. Patrice**
3 **Carroll may have been, I'm not certain. Barry,**
4 **last name Barry, number two. There may have been.**
5 **I'm not certain.**
6 Q. I'm sorry?
7 A. I don't know about Patrice Carroll and
8 Barry. Peter Cassidy, I believe, was contacted. I
9 believe Shirley Denham-Dale was contacted. Donald
10 Fergus was contacted. I've already mentioned
11 Teresa Hastings. I believe maybe Richard Jeffers
12 was, and I believe maybe Johnson was. I believe
13 Sharon Kasimow was. I believe Susan Kennedy was.
14 I believe Mary Kilmartin was. I believe Carleen
15 Mitchell was. This Nasser S H E I K H was; it's
16 the name I couldn't spell earlier, and I believe
17 Pamela Dunman was.
18 Q. Do you know if, in reverse order, do you
19 know if Cheryl Mellon was contacted?
20 A. I'm not certain. I did not -- I don't
21 believe I did.
22 Q. Do you know if anyone from Stinson
23 contacted her?
24 A. I'm not certain.
25 Q. Do you know if Claro Hernandez was

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1 **Ramsay**
2 **contacted, on Page three, number 12?**
3 A. That is not a name I recognize, so I
4 don't believe I did, but it's possible Sharon did.
5 Q. Do you know that Miss Stolte actually
6 did contact her?
7 A. No, I don't know. I don't know for
8 certain that she did.
9 Q. Further up on the list, number ten,
10 Vicki Galante-Lee; do you know if anyone contacted
11 her?
12 A. I'm not certain. I don't believe I did,
13 but Sharon might have.
14 Q. But you're not certain?
15 A. I'm not certain.
16 Q. I believe going back to page two, sorry
17 number four, with respect to Patrice Carroll, I
18 believe you said someone may have contacted her?
19 A. I may be confusing the two Carroll's. I
20 recognize Carroll's name, but I'm not sure which of
21 them was contacted. It may have been Jennifer, but
22 I'm not certain about Patrice.
23 Q. Are you certain about Jennifer Carroll?
24 A. No, I'm not. I believe one -- a Carroll
25 was, but I'm not sure.

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1 **Ramsay**
2 Q. Do you know if the Carroll that was
3 contacted had any documents in connection with this
4 proceeding?
5 A. They would not have had.
6 Q. Why do you say, they would not have had?
7 A. Because I'm familiar with the documents,
8 and we got documents from anyone that had them, and
9 there were none provided by her.
10 Q. Do you know if Peter Cassidy had any
11 documents?
12 A. I believe I talked to Peter Cassidy, and
13 he did not.
14 Q. Do you know if Shirley Elizabeth
15 Denham-Dale had any documents?
16 A. I believe she did not.
17 Q. Do you know if Donald Fergus had any
18 documents?
19 A. I believe he did not.
20 Q. Do you know if Richard Jeffers had any
21 kind of documents?
22 A. I believe he did not -- if he was
23 contacted, he did not.
24 Q. You're not certain if Mr. Jeffers was
25 contacted?

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1 **Ramsay**
2 A. No.
3 Q. Do you know if Mandy Johnson had any
4 documents?
5 A. She did not. She did answer. I believe
6 she did not.
7 Q. Did Sharon Kasimow have any documents?
8 A. No.
9 Q. Did Susan Kennedy have any documents?
10 A. I believe she did not.
11 Q. Mary Kilmartin?
12 A. As I recall, she did not.
13 Q. Carleen Mitchell?
14 A. As I recall, she did not.
15 Q. Nasser Sheikh?
16 A. He did.
17 Q. Do you know what those documents related
18 to?
19 A. As best I recall, they relate to the
20 Webley master software licensing agreement.
21 Q. Anything else?
22 A. I don't recall what it is.
23 Q. With respect to Pamela Dunham, do you
24 know if she had any documents?
25 A. No. As best I know, she did not.

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1 **Ramsay**
2 Q. With respect to each of the individuals
3 who you mentioned, as a result of Exhibit 1, as
4 well as the other individuals who you testified did
5 not have documents, I understand your testimony to
6 be that you do not recall them saying that they did
7 not have documents; is that correct?
8 MR. DRISCOLL: Objection to the form of
9 the question. Can you try it again, because
10 it's convoluted.
11 Q. With respect to the individuals we just
12 went through the names of the individuals, as I
13 understand your testimony, as to those who did not
14 have documents, your testimony is that you do not
15 believe that they indicated they had documents; is
16 that correct?
17 A. **What I remember is, that everybody we**
18 **talked to we asked if they had documents, and if we**
19 **did, we got them. There was no one we talked to**
20 **that had documents, that we didn't get and we don't**
21 **have, and I know we don't have documents for those**
22 **names.**
23 Q. How do you know you don't have documents
24 with respect to the names?
25 A. **Because I know who we have documents**

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1 **Ramsay**
2 **from, and they're not those people.**
3 Q. How do you know who you have documents
4 from?
5 A. **Some cases, because I talked to them and**
6 **they sent them, and other cases because Sharon**
7 **talked to them and they sent them, I know they're**
8 **in our file.**
9 Q. When you had spoken with the
10 individuals, what were either the documents or
11 categories of documents, that you had asked them
12 for?
13 MR. DRISCOLL: Objection to the form of
14 the question. Asked and answered.
15 A. **Generally, described to them the claims**
16 **made in the Parus Holdings pleadings, and asked if**
17 **they had any documents that would relate to those**
18 **issues.**
19 Q. When you say described to them the
20 pleadings, are you -- what pleadings are you
21 referring to?
22 A. **Parus Holdings response to MCI's**
23 **objections to their claim, principally excluding**
24 **the details of the claim.**
25 Q. In the conversations you had with the

Page 75

1 **Ramsay**
2 individuals, did you ever ask them for documents
3 concerning a Generation D product of WorldCom?
4 A. **I was not familiar with that term until**
5 **your October letter, so no, I didn't.**
6 Q. Did you ask them for any products that
7 WorldCom had that was a competing product to the
8 Unified Communications product?
9 A. **I asked about Unified messaging products**
10 **documents relating to the Unified messaging**
11 **products.**
12 Q. What was their response?
13 A. **They didn't have.**
14 Q. Did any of the individuals, either
15 listed here or that we discussed today, earlier
16 today, work for WorldCom ventures?
17 A. **I don't know. I'm not aware that they**
18 **did. Again that's -- you had not requested**
19 **anything from WorldCom ventures and that term I**
20 **wasn't familiar with until your October '05 letter.**
21 Q. Were they asked for any analysis they
22 may have done of either Webley's financials, or
23 products, or EffectNet's financials or products?
24 A. **Some were asked about Webley, as I**
25 **recall. I don't recall about EffectNet.**

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1 **Ramsay**
2 Q. Which ones were asked about Webley and
3 not EffectNet?
4 A. **Steve Hooper was asked about what**
5 **information had been obtained. Your -- Parus's**
6 **objection to the claim alleged that MCI had**
7 **inquired financial information as part of its**
8 **negotiations with Webley contract. He was familiar**
9 **with that, and I asked him about that.**
10 Q. Did he have any documents concerning
11 that?
12 A. **My understanding is yes, he did.**
13 Q. And those documents have been produced?
14 A. **To my understanding, yes.**
15 Q. Aside from Steve Hooper, who was asked
16 about Webley, but not EffectNet?
17 A. **I'm not saying they were asked about**
18 **Webley but not EffectNet. I'm saying, I recall**
19 **specifically asking about Webley. I don't recall**
20 **specifically asking about EffectNet.**
21 Q. Aside from Steve Hooper, who else do you
22 recall asking about Webley, but don't recall asking
23 about EffectNet?
24 MR. DRISCOLL: Just so the record is
25 clear, you both I think, are using shorthand

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1 Ramsay
2 now. The way the question started out as I
3 recall, an evaluation of EffectNet finances or
4 evaluation of Webley financials, correct, and
5 that's what the shorthand has evolved to.
6 MR. SMITH: That was my question, and
7 Mr. Ramsay's response was he didn't ask about
8 analysis of financials of products, he asked
9 about Webley or EffectNet, that's my
10 understanding of what his response was.
11 A. Mr. Driscoll is probably trying to clear
12 up that we're talking about financial analysis, not
13 EffectNet.
14 MR. DRISCOLL: I'm trying to get a clean
15 record here, that's all, and to me it seems
16 like it's gotten muddy.
17 MR. SMITH: I don't think it has gotten
18 muddy. I think Mr. Ramsay's response has
19 framed, then my questions to him to ask what
20 it seems he was answering, and so I don't
21 think it's been muddled. I think it's based
22 on his responses, and where we are right now.
23 A. If it's been muddled, perhaps I muddled
24 it with my answer. Go ahead.
25 Q. My understanding of your testimony

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1 Ramsay
2 earlier was with respect to Mr. Hooper, is you
3 recall asking him about Webley generally, but you
4 don't recall asking him about EffectNet?
5 A. I specifically remember Webley.
6 Generally, I described all those claims to
7 everybody I talked to. I believe the time frame he
8 was talking about, EffectNet might have merged with
9 Webley, but I'm not sure. He was involved with the
10 master licensing contract issues, so I specifically
11 remember that.
12 Q. With respect to anyone else that we
13 talked about today, in terms of that either you or
14 someone else from Stinson contacted for documents,
15 did you request from any of them, aside from
16 Mr. Hooper, documents concerning their evaluation
17 or analysis of Webley or EffectNet?
18 A. I asked for everything they had relating
19 to Webley or EffectNet, everything and anything.
20 Q. Of the individuals we've talked about so
21 far today that you recalled being contacted, two of
22 those individuals had documents, that was Steve
23 Hooper and Mike Randles; is that correct?
24 A. That is correct. There were others I
25 mentioned earlier, for example I'll look back at

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1 Ramsay
2 the list, Nasar S H E I K H.
3 Q. My apologies. Anyone else?
4 A. Don't recall anybody else. I should say
5 that documents were collected before I got involved
6 in the case. It is conceivable that in Sharon's
7 contact with some of these people, there were
8 somebody else on that list that I'm not, as I sit
9 here, aware of.
10 Q. Who collected the documents before you
11 became involved in the case?
12 A. Sharon Stolte and Larry Bigus.
13 Q. Do you know how many documents they
14 collected?
15 A. I don't.
16 Q. Do you know where they collected the
17 documents from?
18 A. Generally, they contacted individuals on
19 this list, and perhaps through in-house counsel,
20 I'm not certain.
21 Q. Do you know the source of the documents
22 that they collected?
23 MR. DRISCOLL: Other than what he just
24 said.
25 MR. SMITH: Yes.

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1 Ramsay
2 A. Other than what I just said, I don't.
3 Q. Do you know if the in-house counsel
4 collected documents from someplace?
5 A. I'm not certain.
6 (Luncheon recess: 1:02 p.m.)
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<p>1 Ramsay</p> <p>2</p> <p>3 AFTERNOON SESSION</p> <p>4 (Time noted: 1:58 p.m.)</p> <p>5 DONALD C. RAMSAY, resumed and testified as</p> <p>6 follows:</p> <p>7 EXAMINATION BY</p> <p>8 MR. SMITH (Cont'd.):</p> <p>9 Q. Obviously, you're still under oath after</p> <p>10 your lunch break.</p> <p>11 A. I understand that, yes.</p> <p>12 Q. Did you, or anyone from Stinson, ever</p> <p>13 request or communicate -- let me try to rephrase</p> <p>14 it, I'm sorry. Did you, or anyone from Stinson,</p> <p>15 ever communicate with a person by the name of</p> <p>16 Richard Dryer concerning any documents in this</p> <p>17 case?</p> <p>18 A. Don't recall that we did. I don't</p> <p>19 recall if we did.</p> <p>20 MR. DRISCOLL: Spell the name please.</p> <p>21 MR. SMITH: D R Y E R.</p> <p>22 A. I don't recall. It's possible, but I</p> <p>23 don't recall.</p> <p>24 Q. Did you, or anyone from Stinson, every</p> <p>25 communicate with a person by the name of Richard</p> <p style="text-align: right;">Page 82</p>	<p>1 Ramsay</p> <p>2 rephrase it. I didn't think it was confusing,</p> <p>3 but I'll rephrase it.</p> <p>4 MR. DRISCOLL: It's okay.</p> <p>5 Q. Did you request, of any of the</p> <p>6 individuals we discussed this morning, any</p> <p>7 documents concerning the Unified Communications</p> <p>8 services general agreement, including but not</p> <p>9 limited to, the negotiations, drafting, pricing of</p> <p>10 the services under that agreement?</p> <p>11 A. Yes, we would have asked first of all,</p> <p>12 generally, for everything that they had that</p> <p>13 related any way to EffectNet, and in addition, at</p> <p>14 least I believe, the individual topics would have</p> <p>15 been discussed in one or more of those</p> <p>16 conversations.</p> <p>17 Q. Do you have a recollection of discussing</p> <p>18 that topic with any of those individuals?</p> <p>19 A. You've got a list of topics. Yes, I</p> <p>20 recall discussing those topics specifically.</p> <p>21 MR. DRISCOLL: Just so we're clear, the</p> <p>22 Unified services agreement to which you're</p> <p>23 referring is the November 20, 2000 agreement</p> <p>24 between EffectNet and Intermedia?</p> <p>25 MR. SMITH: Correct.</p> <p style="text-align: right;">Page 84</p>
<p>1 Ramsay</p> <p>2 Drayer, and I think you spell it DRAYER. It may be</p> <p>3 the same person, it may just be misspellings of the</p> <p>4 last name. I just want to be sure. Did you ever</p> <p>5 communicate with him regarding any documents in</p> <p>6 this case?</p> <p>7 A. I don't recall if we did.</p> <p>8 Q. With respect to the individuals</p> <p>9 mentioned in this morning's session, in addition to</p> <p>10 the ones we talked about on the initial disclosure</p> <p>11 of that list which would encompass others that you</p> <p>12 had mentioned, did you ever ask them for, if they</p> <p>13 had documents concerning the Unified Communications</p> <p>14 general agreement, or the negotiation concerning</p> <p>15 it, or the pricing structure of it, or the drafting</p> <p>16 of that document?</p> <p>17 MR. DRISCOLL: Excuse me. Read that</p> <p>18 back.</p> <p>19 (Record read.)</p> <p>20 MR. DRISCOLL: Object to the form of the</p> <p>21 question. It starts out with asking about</p> <p>22 individuals, and then moves to asking about</p> <p>23 content of conversations, so it's a confusing</p> <p>24 question.</p> <p>25 MR. SMITH: All right. I'll try and</p> <p style="text-align: right;">Page 83</p>	<p>1 Ramsay</p> <p>2 Q. Did you request of any of the</p> <p>3 individuals who were mentioned this morning in our</p> <p>4 discussion, whether they had any documents</p> <p>5 concerning the cessation or termination of the</p> <p>6 Unified Communications agreement, the November 20,</p> <p>7 2000 agreement, hereabout at all?</p> <p>8 A. I believe we did, yes.</p> <p>9 Q. What were their responses?</p> <p>10 A. The question is, did they have</p> <p>11 documents?</p> <p>12 Q. Correct.</p> <p>13 A. In general, did not.</p> <p>14 Q. Did any of them specifically have any</p> <p>15 documents?</p> <p>16 MR. DRISCOLL: Asked and answered.</p> <p>17 A. Did any of who, I guess?</p> <p>18 Q. Any of the individuals you mentioned you</p> <p>19 spoke with, or Stinson spoke with, the names of</p> <p>20 which we mentioned this morning?</p> <p>21 A. Relating to cessation?</p> <p>22 Q. Or termination of the agreement.</p> <p>23 A. Well, we produced documents relating to</p> <p>24 the termination of the agreement. And I can't</p> <p>25 recall exactly who produced what, but I think I've</p> <p style="text-align: right;">Page 85</p>

<p>1 Ramsay</p> <p>2 Q. I understood that you had reviewed it.</p> <p>3 A. I have looked at this index, yes.</p> <p>4 Q. If you go to the last page of the</p> <p>5 Exhibit, the last page of Ramsay Exhibit No. 4,</p> <p>6 there's an entry at top of the page, for example</p> <p>7 the number 224400777.</p> <p>8 A. Yes.</p> <p>9 Q. And there's in the descriptions</p> <p>10 Intermedia PO's POB, looks like II, the numbers</p> <p>11 483-5130 in both the major and long descriptions.</p> <p>12 Do you have an understanding as to what that refers</p> <p>13 to?</p> <p>14 A. I don't. PO often refers to purchase</p> <p>15 order, but I don't know the specifics.</p> <p>16 Q. Do you know if Jeff Befort contacted</p> <p>17 anyone at WorldCom to make any inquiries as to</p> <p>18 descriptions?</p> <p>19 A. I don't know.</p> <p>20 Q. Put this to the side for now.</p> <p>21 MR. SMITH: Can you mark this as Ramsay</p> <p>22 Exhibit 5, please.</p> <p>23 (Ramsay Exhibit 5, Intermedia accounts</p> <p>24 payable records Mississippi filings system,</p> <p>25 marked for identification, as of this date.)</p> <p style="text-align: right;">Page 126</p>	<p>1 Ramsay</p> <p>2 Q. Do you know what they used to create</p> <p>3 this index?</p> <p>4 A. The same search information that had</p> <p>5 been used otherwise, I believe.</p> <p>6 Q. I don't understand what you mean.</p> <p>7 A. Well, they were given a description of</p> <p>8 the claims and asked to find documents relating to</p> <p>9 EffectNet, Intermedia, any of the claims in this</p> <p>10 litigation.</p> <p>11 Q. Just so I understand, the folks, the</p> <p>12 individuals that worked at Records Management Group</p> <p>13 of WorldCom, did a search of something at</p> <p>14 Mississippi Filings System. That search then</p> <p>15 resulted in this index?</p> <p>16 A. Yes.</p> <p>17 Q. So then this index refers to Ramsay</p> <p>18 Exhibit No. 5, correct?</p> <p>19 A. Correct.</p> <p>20 Q. So the index that we marked as Ramsay</p> <p>21 Exhibit No. 5, is not an index of all documents at</p> <p>22 Mississippi Filings Systems?</p> <p>23 A. That's correct.</p> <p>24 Q. Did you select any documents from index,</p> <p>25 from the index that we marked as Ramsay Exhibit No.</p> <p style="text-align: right;">Page 128</p>
<p>1 Ramsay</p> <p>2 Q. Mr. Ramsay, I put in front of you what</p> <p>3 we marked for identification as Ramsay Exhibit No.</p> <p>4 5. It's again, it's a multi page document, 11</p> <p>5 pages and it has on the top left corner what</p> <p>6 appears to be a heading of some sort, Intermedia</p> <p>7 accounts payable records Mississippi filings</p> <p>8 system. Do you recognize this document?</p> <p>9 A. I do.</p> <p>10 Q. What do you recognize it as?</p> <p>11 A. An index provided to us of boxes stored</p> <p>12 at Mississippi filings.</p> <p>13 Q. That was one of the Records Management</p> <p>14 Companies that was utilized by WorldCom to store</p> <p>15 documents?</p> <p>16 A. Correct.</p> <p>17 Q. Do you know who created the index that</p> <p>18 we marked as Ramsay Exhibit No. 5?</p> <p>19 A. The Records Management people, Joe</p> <p>20 Stevens, Phil Hasselvander and Brenda Tate, one of</p> <p>21 those, one of them.</p> <p>22 Q. So one of the individuals at WorldCom</p> <p>23 Records Management Group created the index that we</p> <p>24 marked as Ramsay Exhibit No. 5?</p> <p>25 A. Correct.</p> <p style="text-align: right;">Page 127</p>	<p>1 Ramsay</p> <p>2 5, for review?</p> <p>3 A. No.</p> <p>4 Q. Why is that?</p> <p>5 A. It did not appear any of them were</p> <p>6 responsive, or relevant relating to the issues in</p> <p>7 this case.</p> <p>8 Q. And that was based on your review of the</p> <p>9 descriptions that they contained in, and the index</p> <p>10 that was marked as Ramsay Exhibit No. 5?</p> <p>11 A. Correct.</p> <p>12 Q. After having received this index, did</p> <p>13 you speak with anyone about their descriptions that</p> <p>14 they provided in this index?</p> <p>15 A. Don't recall that I did. This one has</p> <p>16 accounts payable records description on it. That</p> <p>17 appears to consist of what's in the document.</p> <p>18 Actually, I did discuss that generally, the fact</p> <p>19 that it was accounts payable, but I don't</p> <p>20 specifically recall sitting here.</p> <p>21 Q. On the first page of Ramsay Exhibit No.</p> <p>22 5, the very first entry under description of</p> <p>23 records column, you see where I'm referring?</p> <p>24 A. I'm not sure. Description- okay.</p> <p>25 Q. It says --</p> <p style="text-align: right;">Page 129</p>

1 Ramsay

2 **A. Not to my knowledge, but I don't know**

3 **for sure.**

4 Q. You don't know for sure?

5 **A. No.**

6 Q. On the first page of Ramsay Exhibit No.

7 6, there's what appears to be the first entry so to

8 speak, which has heading of F subfile room

9 comments, and then there's Redwell dash -- it could

10 be either 2 or double I, with a highlight on it.

11 What does the highlight indicate?

12 **A. It means it's a set of documents we**

13 **asked to be sent to our offices for review.**

14 Q. When you say you asked, it was of the

15 Records Management folks again, that you described

16 previously?

17 **A. Yes, yes.**

18 Q. Do you know if Ramsay Exhibit No. 6 is a

19 print-out from a computer screen?

20 **A. I know -- I'm not sure what you mean.**

21 **It was sent to me electronically.**

22 Q. Was it sent to you electronically in the

23 form that it is in presently?

24 **A. I believe that as it was sent to me, if**

25 **I hit print, it prints like this. It maybe could**

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1 Ramsay

2 **be rearranged, but I believe this is the way it**

3 **prints.**

4 Q. I guess my point in asking this

5 question, I'm looking at the first two headings,

6 the first two categories or sections that have much

7 larger descriptions with comments, and they are

8 actually highlighted, and then on the same first

9 page of Ramsay Exhibit No. 6 sort of the third

10 entry, there's a much smaller box with just

11 Redwell-7HSR. Do you know if the comments within

12 that category are the only comments that are in

13 there, or do you have to sort of click on that link

14 and it opens up into the much larger comments that

15 are above that?

16 **A. I don't believe that's the case, your**

17 **latter description. I believe those are the only**

18 **comments on what was sent to us electronically. I**

19 **don't remember seeing anything in back of that, or**

20 **otherwise accessible, not to my knowledge.**

21 Q. You know what I'm talking about?

22 **A. I believe I do.**

23 Q. Do you know how the entries in Ramsay

24 Exhibit No. 6 were selected to be sent to you?

25 **A. You mean the highlighted version?**

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1 Ramsay

2 Q. Not the highlighted version but -- let

3 me back up.

4 From your testimony previously today, I

5 understand you received a document which we're

6 calling now for identification Ramsay No. 6,

7 without any highlights on it. You received it.

8 You then highlighted it and sent it back to the

9 Records Management folks for selection?

10 **A. That's correct.**

11 Q. Do you know how it was, that Records

12 Management actually selected Ramsay Exhibit No. 6,

13 without the highlights?

14 **A. Well, among your request for production,**

15 **there were requests for documents relating to the**

16 **merger between MCI Intermedia that might relate to**

17 **Unified Messaging, or documents relating to the**

18 **merger of -- there was one other category relating**

19 **to the merger between MCI and Intermedia. We asked**

20 **them to produce for us all the documents they could**

21 **locate relating to the merger between MCI and**

22 **Intermedia, and this is among other materials they**

23 **sent to us in response to that.**

24 **I might clarify an answer to an earlier**

25 **question. This index suggests that some of these**

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1 Ramsay

2 **were located and came from Clinton.**

3 Q. Why do you say that?

4 **A. Well the last page, "Intermedia Docs in**

5 **Clinton".**

6 Q. Where is that?

7 **A. The second from the bottom group.**

8 Q. Redwell-1, correspondence attorney's

9 notes filings Intermedia, Intermedia Docs in

10 Clinton, 1/02, okay. Can you tell me why certain

11 of the Redwells were selected for review, and

12 others were not?

13 **A. Well, the general criteria was, if it**

14 **appears it might have something linked to the**

15 **issues in this case as best we could determine, to**

16 **bring it back, bring it back meaning, bring it to**

17 **our offices for review.**

18 Q. If you look at second page of Ramsay

19 Exhibit No. 6, it's the very bottom, it seems as

20 though it carries over to the third page.

21 **A. Okay.**

22 Q. It's the Redwell Roman numeral 9.

23 **A. Yes.**

24 Q. Do you know why this particular Redwell

25 or sub file, was not selected?

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<p>1 Ramsay</p> <p>2 Q. 4, 5, 6, 7 and 8?</p> <p>3 A. I believe we provided you with other</p> <p>4 indices as well, not marked, but other indices.</p> <p>5 Q. Okay.</p> <p>6 So this is not the complete set?</p> <p>7 A. That I sent to Mr. Wood?</p> <p>8 Q. Right.</p> <p>9 A. I don't believe it is.</p> <p>10 Q. I'm not talking about listing of boxes</p> <p>11 selected for review. I'm strictly talking about</p> <p>12 the indices.</p> <p>13 A. I understand. I don't believe this is</p> <p>14 all of them.</p> <p>15 Q. Okay. I'll follow up on that in a few</p> <p>16 minutes. I just want to go through this one as</p> <p>17 well. On the first page of Ramsay Exhibit No. 8,</p> <p>18 there are different columns at the top that go</p> <p>19 across the entire page?</p> <p>20 A. Yes.</p> <p>21 Q. Do you have an understanding as to what</p> <p>22 those columns refer to?</p> <p>23 A. Well, they're the same columns as you</p> <p>24 will see on some of the other indices, and my</p> <p>25 testimony is the same with regard to these. In</p> <p style="text-align: right;">Page 150</p>	<p>1 Ramsay</p> <p>2 the reason they were all believed to be linked to</p> <p>3 Intermedia in some way.</p> <p>4 Q. Do you understand that the boxes of</p> <p>5 documents referred to in Ramsay Exhibit 8 are those</p> <p>6 that are from Orlando, Florida or Intermedia's</p> <p>7 headquarters?</p> <p>8 A. Yes.</p> <p>9 Q. Based on your last answer, I understand</p> <p>10 that Ramsay Exhibit No. 8 was created by someone at</p> <p>11 Records Management within WorldCom, based on the</p> <p>12 search of the larger computer data base that they</p> <p>13 have of stored documents.</p> <p>14 A. Correct.</p> <p>15 Q. When the person at Records Management,</p> <p>16 or people at Records Management created Ramsay</p> <p>17 Exhibit 8, did they just cut and paste what was in</p> <p>18 their data base into this index in terms of the</p> <p>19 information that's here?</p> <p>20 A. I don't have any reason to believe that</p> <p>21 they did any cutting or pasting, no.</p> <p>22 Q. Do you know what the mechanics were of</p> <p>23 how they created this index from that data base?</p> <p>24 A. I was advised it was an index of all the</p> <p>25 boxes that were probably all related to Intermedia.</p> <p style="text-align: right;">Page 152</p>
<p>1 Ramsay</p> <p>2 some instance, I know the box numbers are what</p> <p>3 shows up on the Iron Mountain box, and there's a</p> <p>4 description, a major description, a minor</p> <p>5 description, and each of those I know, and the</p> <p>6 others I do recall asking some about those numbers,</p> <p>7 but they were not helpful to my process, and I</p> <p>8 don't recall the answers.</p> <p>9 Q. Are the boxes of documents referred to</p> <p>10 in Ramsay Exhibit No. 8, do they include boxes of</p> <p>11 documents in the Iron Mountain list that we</p> <p>12 reviewed earlier as Ramsay Exhibit No. 4?</p> <p>13 A. I haven't done the comparison, but I</p> <p>14 believe somebody told me that, at least somebody at</p> <p>15 Records Management, that there may be some overlap.</p> <p>16 Q. Okay.</p> <p>17 Do you have any sense as to the extent</p> <p>18 of the overlap?</p> <p>19 A. I don't.</p> <p>20 Q. Do you know how Ramsay Exhibit No. 8 was</p> <p>21 created?</p> <p>22 A. Through the same process we described</p> <p>23 with the other indices, with one perhaps caveat. I</p> <p>24 believe these are located at Orlando, which was the</p> <p>25 headquarters of Intermedia, and that was part of</p> <p style="text-align: right;">Page 151</p>	<p>1 Ramsay</p> <p>2 I don't know the mechanics of it.</p> <p>3 Q. Do you know what search terms were used</p> <p>4 to create to come up with the terms that were in</p> <p>5 this index?</p> <p>6 A. Beyond what I said before?</p> <p>7 Q. Meaning, you described to them what the</p> <p>8 claims --</p> <p>9 A. What the claims were about and they did</p> <p>10 searches. In this particular instance, I believe -</p> <p>11 let me back up. As I mentioned, there were some</p> <p>12 other instances where they had done searches using</p> <p>13 terms and produced some of these indexes, and</p> <p>14 decided to simply produce an index which should</p> <p>15 include everything that existed relating to</p> <p>16 Intermedia. This together with the others you've</p> <p>17 already mentioned, my understanding, does that.</p> <p>18 Q. Your understanding does that?</p> <p>19 A. Yes.</p> <p>20 Q. Within this index that we've marked as</p> <p>21 Ramsay Exhibit No. 8, there are again highlighted</p> <p>22 entries.</p> <p>23 A. Correct.</p> <p>24 Q. What are the highlighted entries again?</p> <p>25 A. Those are boxes that we reviewed that we</p> <p style="text-align: right;">Page 153</p>

1 Ramsay
 2 Q. Did it also include a Mike Randies?
 3 A. I don't believe we had identified those
 4 at that time.
 5 Q. Aside from the names of other attorneys
 6 at Stinson that you mentioned today, were there any
 7 other attorneys at Stinson involved in the
 8 production or review of documents in the case?
 9 A. Not that I recall. I think I named them
 10 all.
 11 Q. Aside from Mr., I think it's Wachen,
 12 in-house attorney at WorldCom, aside from him, were
 13 there any other attorneys at WorldCom involved in
 14 the location or review of documents in the case?
 15 A. Not that I recall.
 16 Q. Aside from the individuals that you
 17 mentioned from Records Management Group at
 18 WorldCom, is there any other individuals or groups
 19 for that matter, involved in the location or
 20 identification of documents that were requested in
 21 this case?
 22 A. We're talking about hard copy?
 23 Q. Correct.
 24 A. Well, I've named others that weren't
 25 with Records Management review that we talked to.

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1 Ramsay
 2 Q. Specific individuals?
 3 A. I can't think of anybody that I haven't
 4 named.
 5 Q. I'm specifically referring to the people
 6 at Records Management, as others who were involved
 7 in the identification or location of documents, and
 8 I was excluding in my mind the people who you
 9 contacted, or someone from Stinson contacted
 10 directly who you believe may have had some
 11 involvement in the case. That's what I was
 12 focusing on.
 13 A. You know, as I sit here, I think there
 14 may have been another person or two, some people
 15 whose names I don't now remember. There's a
 16 gentleman whose name I can't call up right now
 17 beginning with F, Fuiridi (phonetic) or something
 18 to that effect, and I think -- oh, Margie Polgar.
 19 As I sit here, there was another person. It's hard
 20 to, over the course of a year, to sit here and call
 21 up all the names.
 22 Q. You mentioned a person by the name of
 23 Margie Polgar?
 24 A. Yes.
 25 Q. What was her role in this?

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1 Ramsay
 2 A. And I was given her name as someone who
 3 might have accounting records relating to
 4 Intermedia.
 5 Q. Did you speak with her?
 6 A. Yes.
 7 Q. Did she conduct a search for any kind of
 8 records regarding Intermedia?
 9 A. Yes.
 10 Q. How did she go about conducting her
 11 search?
 12 A. The words I remember her using was --
 13 were something to the effect, that she would ask
 14 her team to search, and I don't know physically how
 15 they did that.
 16 Q. Do you know what they were searching?
 17 A. Accounting records, as I recall. She
 18 was someone who was thought, might have information
 19 about the location of Intermedia accounting
 20 records.
 21 Q. Do you know how they conducted the
 22 search?
 23 A. I'm not certain.
 24 Q. Do you know if they searched actual hard
 25 copy documents, or did they search through a data

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1 Ramsay
 2 base of some sort?
 3 A. I don't recall, don't recall.
 4 Q. Do you know what --
 5 A. Don't believe there was a data base, but
 6 whether they were checking their own files or
 7 calling other people, I'm not certain.
 8 Q. Do you know what search terms they used?
 9 A. I don't.
 10 Q. Were there any individual --
 11 A. She was looking in general, for any
 12 accounting records. I don't think it was a search
 13 term process.
 14 Q. Where were the accounting records based,
 15 that she was having her team look for?
 16 A. I don't recall, don't recall if there
 17 was a location that was identified.
 18 Q. Where was she based?
 19 A. I don't recall that either. Talked to
 20 her on the phone.
 21 Q. Did her review or search, or her team's
 22 review or search, result in any documents?
 23 A. They were not able to locate any.
 24 Q. Were they looking in WorldCom documents,
 25 or some other source?

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1 Ramsay
2 **A. I don't recall.**
3 Q. Were there any other individuals that
4 you spoke with or communicated with, or that
5 Stinson spoke with, communicated with, regarding
6 the search for documents?
7 **A. Again, I talked to people over the**
8 **course of almost a year. I don't think I could sit**
9 **here and be absolutely certain of saying every**
10 **name, but I don't recall any others as I sit here**
11 **today.**
12 Q. Do you recall if there were others aside
13 from what you mentioned?
14 MR. DRISCOLL: Didn't you just ask that?
15 MR. SMITH: I don't know. I'm trying to
16 get a clear answer.
17 **A. I would be willing to guess there were,**
18 **but I just I can't remember who they might be, or**
19 **whether there were for certain. It's just that, in**
20 **the normal course of events, if you ask somebody to**
21 **name everybody they talked to, it's quite possible**
22 **that I left somebody out, so I can't be certain.**
23 Q. Do you remember if you spoke with anyone
24 other than who you mentioned already, regarding
25 other types of documents, and as an example, you

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1 Ramsay
2 mentioned Margie Polgar, who you spoke to regarding
3 accounting records. Do you remember if there were
4 other types of records that you spoke with a person
5 about, as opposed to the name of a person?
6 **A. I believe by and large, most of them**
7 **were any documents relating to EffectNet,**
8 **Intermedia, Webley, MCI, the merger, anything of**
9 **those sorts of things, indices, in relationship to**
10 **those parties, or those contracts, and the contract**
11 **with EffectNet contract, with master software**
12 **licensing agreement.**
13 Q. Did you ever ask any of those
14 individuals about WorldCom competing Unified
15 Messaging plan?
16 **A. Yes.**
17 Q. All of the individuals you mentioned
18 already?
19 **A. I can't sit here today, say that I**
20 **recall asking about that to people I talked to.**
21 Q. I may have asked you this with respect
22 to particular individuals, but I'll ask it globally
23 in terms of the conversation you had with all of
24 the individuals. Did you take notes of those
25 conversations with individuals regarding your

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1 Ramsay
2 requests for documents?
3 **A. Sometimes yes, and sometimes no.**
4 Q. Which ones did you take notes versus
5 which ones you didn't?
6 **A. I remember some, some I don't and --**
7 Q. Who were the ones you remember that you
8 took notes?
9 **A. I remember taking notes of Kathleen**
10 **Victory, Richard Black, Barry Zip, Teresa Hastings.**
11 **I believe I have some notes of conversations with**
12 **Margie Polgar, and I believe there probably are**
13 **notes of others, but I don't recall. The notes may**
14 **be simply yes or no they have documents, they said**
15 **they don't have documents, that's all.**
16 Q. I understand.
17 (Recess taken.)
18 Q. When you first went and contacted or
19 communicated with the internal WorldCom records
20 management people, what was the, I guess, what was
21 the data base that they were going to search, what
22 did that encompass?
23 **A. The data base they're searching is**
24 **again, my understanding it's a data base of all**
25 **stored boxes or documents.**

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1 Ramsay
2 Q. Okay, and did the data base -- was the
3 data base made up of only what's in these indices
4 that were produced to us, or does the data base
5 have a larger group of names or terms within them
6 that the search terms were plugged into?
7 MR. DRISCOLL: Asked and answered
8 multiple times.
9 Q. I'm just not understanding how that
10 worked.
11 **A. I'm, I guess, I'm not exactly sure I**
12 **understand this particular question.**
13 Q. When the WorldCom records management
14 people, not specific names, but just the group did
15 the search using whatever search terms were
16 provided to them, what was the data base that the
17 search terms went into to then generate the indices
18 that we now have?
19 MR. DRISCOLL: Are you asking for its
20 name?
21 MR. SMITH: No, not the name but --
22 Q. Do you understand my question?
23 **A. I don't. Other than the answer I gave**
24 **before, the data base of information relating to**
25 **all the stored documents. So beyond that, you**

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ADDENDUM
EXHIBIT 6



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November 11, 2005

Via Facsimile 212-808-7897

John M. Callagy, Esq.
Robert S. Friedman, Esq.
Kevin J. Smith, Esq.
Kelley Drye & Warren LLP
101 Park Avenue
New York, New York 10178

Re: *In re WorldCom, Inc., Chapter 11*, Case No. 02-13533
Parus Holdings' Claims

Gentlemen:

I am writing concerning the electronic discovery you have proposed that MCI undertake regarding the claims of Parus Holdings.

Following receipt of Mr. Smith's letter of October 24, 2005, we requested that Kroll Ontrack provide us with a cost estimate for searching the electronic media of MCI and Intermedia (quarterly back-up tapes) utilizing the names, search terms and time-frame specified in Mr. Smith's letter. We have now received that estimate which ranges from \$207,633.99 to \$331,160.12, depending on assumed amounts of retained MCI data.

These estimated costs from a search vendor, of course, do not include the necessary additional costs that will be incurred for qualified personnel to review electronically identified documents regarding their actual responsiveness or privileged nature before production. All told, costs associated with the proposed electronic discovery will be considerably higher than the cash distribution value of Parus Holdings' breach of contract claim--\$191,544--if MCI's summary judgment is granted and Parus' claim is treated as a Class 12 Intermedia claim. Further, none of the requested electronic discovery--and for that matter, none of the hard-copy production discovery that you are pursuing--is needed to determine the validity of either the contract or the non-contract claims of Parus Holdings. MCI's pending summary judgment motion on these issues centers entirely on questions of law and contract interpretation.

Under these circumstances, I am requesting that you consent to a temporary stay of discovery until the Court rules on MCI's pending motion for summary judgment. Such a stay would not cause legal prejudice to Parus Holdings and it would prevent the unnecessary expenditure of hundreds of thousands of dollars by MCI and Parus Holdings. If discovery becomes necessary in the future, however, we

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November 11, 2005
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in return will agree to any reasonable extension of the discovery period that you propose.

Your consideration of this request would be appreciated. Please contact me if there are particular matters you wish to discuss about either the Kroll Ontrack estimate or the proposed temporary stay.

Very truly yours,

STINSON MORRISON HECKER LLP

A handwritten signature in black ink, appearing to read "Robert L. Driscoll", written in a cursive style.

Robert L. Driscoll

RLD:lk